

25.03.2025
Item no. 85.
Court No.29.
AB
(Allowed)

CRM (DB) 879 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Belghoria Police Station Case No.321 of 2020 Dated 11.07.2020 under Sections 376(2)(n)/323/506 of the Indian Penal Code read with Section 6/10 of the POCSO Act

And

In the matter of : Samar Manna

.....Petitioner.

Mr. Manojit Debnath

.....for the Petitioner.

Ms. Sayanti Santra,
Ms. Diksha Ghosh

.....for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner says that he is in custody for four years and eight months. Only 3 out of 11 charge sheet named witnesses have been examined. He prays for bail on the ground of delay.
3. Learned State Counsel, while opposing the bail prayer, draws our attention to the statements of witnesses recorded under Section 183 B.N.S.S. 2023. She has also drawn our attention to the deposition of the victim girl recorded before the learned Trial Court. We see that prima facie, there may be some material against the petitioner, but false implication cannot be ruled out.
4. Further, even assuming that the prosecution has a very strong case for securing the conviction of the petitioner,

the petitioner cannot be kept incarcerated for an unreasonably long period of time without concluding the trial on an early date. Four years eight months is far too long a period of time to detain an accused person in custody without taking the trial to its logical conclusion.

5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **SAMAR MANNA** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, and on further conditions that he shall not enter the jurisdiction of Belghoria Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Belghoria Police Station, the Investigating Officer as well as learned Trial Court and shall meet the Officer in Charge/Inspector in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence

and/or commit any cognizable offence in any manner whatsoever.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)