

05.
03-06-2025
(ct. no.06)
debajyoti/d.p.
(allowed)

CRM (M) 535 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 in connection with Narayanpur Police Station Case No.13 of 2024 dated 19-01-2024 under Sections 6/12 of the POCSO Act.

- A n d -

In the matter of : Md. Taiyeb Hossain @ Mohammad Tayab Hussain

.... Petitioner.

Mr. Kaustav Bagchi.

... For the Petitioner.

Ms. Manisha Sharma,
Ms. Manasi Roy.

... For the State.

1. Service report filed on behalf of the State is taken on record. In spite of service, none appears on behalf of the defecto complainant.

2. It is said on behalf of the petitioner that he is in custody for 502 days. After framing of charge by the learned trial Court, the evidence taking process has already been started and the victim and the defecto complainant have been examined. The statutory mandate with regard to the connection of trial in cases lodged under the POCSO Act have been given a complete go-bye. No purpose will be served by detaining this accused petitioner further behind the bar. As such, this accused petitioner may be enlarged on bail on the ground of his long incarceration.

3. Learned advocate for the State raises objection by submitting that the offence involved in this case is serious in

nature and the trial has been commenced and if, at this stage, this accused petitioner is enlarged on bail, then there is every possibility of hampering the progress of the trial.

4. It appears from the materials placed before this Court that the case was started on the basis of a complaint under Sections 6/12 of the POCSO Act, 2012. The charge was framed by the learned trial Court on 15.07.2024 and thereafter, witness action began. It further appears that after framing of charge only the victim and the defecto complainant have been examined. This accused petitioner is in custody for 502 days. Prolonged incarceration of under trials violates constitutional principles of dignity and liberty. Taking into consideration the long detention of the accused petitioner behind the bar I am of the opinion that the petition praying for bail filed by this accused petitioner should be allowed.

5. Accordingly, I direct that the petitioner, namely, **Md. Taiyeb Hossain @ Mohammad Tayab Hussain**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District & Sessions Judge, 1st Court, Barrackpore, North 24-Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not commit any cognizable offence in any manner whatsoever while on bail.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)