

16. 15.01.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 3662 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Jibantala** Police Station Case No.**200/2018** dated **07.05.2018** under Section **376** of the Indian Penal Code, 1860 read with Section **4** of POCSO Ac, 2012.

And

In the matter of: - **Pradip Mondal**

...petitioner.

Mr. Deepak Prahladka

Ms. Reshmi Khatun

...for the petitioner.

Ms. Minoti Gomes

Mr. Aslam Parvez

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report and status report filed by the State in Court today be kept with the records. In spite of service, nobody appears for the *de facto* complainant/victim.
2. From the status report it appears that on last thirteen occasions, the prosecution witnesses did not turn up. The petitioner is languishing in judicial custody for about six years and eight months. Only five out of 19 charge-sheet named witnesses have been examined so far.
3. The prosecution may have an iron-cast case to secure the conviction of the petitioner. Nobody stops the prosecution from doing so. However, an under-trial cannot be kept in indefinite incarceration without taking the trial to its logical conclusion. The importance of a citizen's fundamental right to personal

liberty and speedy trial enshrined in Article 21 of the Constitution of India can hardly be over emphasized.

4. Without touching the merits of the case and solely on the ground of inordinate delay in progress of trial and very long detention of the petitioner in judicial custody and seeing that there is practically no possibility of an early conclusion of the trial, we feel constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Pradip Mondal** 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 the learned Additional Sessions Judge, 2nd Court, Alipore, South 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of the concerned Police Station where the victim resides and shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall be presently residing, once in every week, until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 3662 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)