

12. 20.01.2025  
Court  
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3669 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Matia** Police Station Case **No.225/2022** dated **13.6.2022** under Sections **376AB/506** of the Indian Penal Code read with Section **6** of POCSO Act, 2012.

And

In the matter of: - **Kumaresh Bose @ Ganesh**

...petitioner.

Mr. Sourav Chatterjee, Sr. Adv.  
Mr. Aditya Tiwari

...for the petitioner.

Mr. Sandip Chakraborty  
Ms. Ayana Dey

...for the State.

**Dictated by Arijit Banerjee, J.**

1. From the affidavit of service which is on record, we see that the *de facto* complainant/victim has received notice of this bail application. However, nobody appears for the *de facto* complainant/victim.
2. The petitioner renews his prayer for bail which was rejected thrice earlier, lastly on September 15, 2023, in CRM (DB) 3530 of 2023. On that date, while rejecting his bail prayer, a co-ordinate Bench had directed the Trial Court to conclude the trial as expeditiously as possible and preferably within six months from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.

3. We find that till date the prosecution has examined five witnesses. Vulnerable witnesses have all been examined. The report that the State has filed indicates that 14 more witnesses will be examined by the prosecution. Hence, an early conclusion of the trial is highly unlikely. The petitioner is in custody for more than two years and six months.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Kumaresh Bose @ Ganesh**, 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 Judge, Special Court under POCSO Act, Basirhat, North 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 stay outside the territorial jurisdiction of Matia Police Station and shall furnish his present address to the Officer-in-Charge of Matia Police Station as well as to the learned Trial Court and shall also meet the Officer-in-

Charge of the concerned Police Station within whose jurisdiction he shall be presently residing, once in a 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) 3669 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**