

10.01.2025
Item no.40.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3883 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, in connection with **Haripal Police Station Case No. 190 of 2022** dated **11.08.2022** under **Sections 376AB/506 of the Indian Penal Code 1860 and under Section 6** of the Protection of Children from Sexual Offences Act (POCSO).

And

In the matter of : Kartick Tudu.

.....Petitioner.

Mr. Tapas Kumar Ghosh,
Mr. Tanmay Chowdhury, for the Petitioner.

Mr. Kunal Ganguly, 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 on behalf of the de facto complainant/victim girl.
2. The petitioner says that he has been falsely implicated. The Medical Examination Report does not support the prosecution case. He is in custody for about 2 years and 5 months. Only 8 out of 19 chargesheet named witnesses have been examined. There is no possibility of early conclusion of the trial. On the touchstone of Article 21 of the Constitution of India, he prays for bail.
3. Opposing the prayer for bail, learned State counsel draws our attention to the deposition of the victim

girl. She appears to be implicating the petitioner. However, there is nothing adverse in the Medical Examination Report.

4. In any event, the petitioner has been in custody for about two and half years. 11 more witnesses remain to be examined. There is little possibility of early conclusion of the trial.
5. Keeping in mind the paramount importance of the fundamental right to personal liberty and speedy trial that every citizen has, we are constrained to grant bail to the petitioner but on stringent conditions.
6. Accordingly, we direct that the petitioner, namely, **Kartick Tudu** 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 Judge, Special Court (under POCSO Act), Chandernagore, Hooghly, subject to the conditions that the petitioner shall remain within the jurisdiction of Chandernagore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge, once in every week apart from the other conditions and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
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 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.)