

CRM (DB) 4079 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Amdanga Police Station** Case No. **236 of 2020** dated **19.04.2020** under Sections **376(2)(1)/376(3)** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Ansar Ali

.... Petitioner.

Mr. Mayukh Mukherjee,
Mr. Abhijit Singh,
Ms. S. Basak,

... For the Petitioner.

Mr. Prasun Kr. Dutta,
Mr. S. Gani,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in court today be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The petitioner claims parity citing orders dated September 30, 2024 and December 24, 2024 passed in CRM (DB) 2552 of 2024 and CRM (DB) 3830 of 2024 respectively, whereby two co-accused persons being Uday Chatterjee and Md. Rejaul Islam @ Raju were enlarged on bail by this Court primarily on the ground of inordinate delay in the progress of trial. The petitioner says that he is in custody for four years nine months. On the ground of delay he prays for bail.
4. Learned State Advocate while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the other two co-accused persons who

were enlarged on bail on the ground of inordinate delay. However, he says that January 27, 2025 has been fixed as the date for recording of evidence. We are told that there are 20 charge sheet named witnesses and not even a single witness has been examined till date.

5. Hence, on the ground of parity, noting that the petitioner has been in custody for a long period of time and there is practically no chance of an early conclusion of the trial, we are constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Ansar Ali**, 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), Barasat, North 24 Parganas subject to condition that he shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure 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 within the jurisdiction of the district of North 24 Parganas except for the purpose of attending court proceedings and shall furnish his present address, where he will be residing, to the Officer-in-Charge of Amdanga Police Station and shall meet the Officer-in-Charge of the concerned police station once in a week until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.
9. 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.)