

25.  
30-01-2025  
(ct. no.29)  
debajyoti  
(allowed)

## **CRM (DB) 4062 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bally Police Station Case No.36 of 2023 dated 27-03-2023 under Sections 376D/341/342/328/34 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act.

- A n d -

**In the matter of : Rajib Naskar @ Raja**

.... Petitioner.

Mr. Soumyajit Das Mahapatra,  
Mr. Soumya Basu Roy Chowdhuri

... For the Petitioner.

Mr. Md. Adil Badr, learned Junior Government Advocate,  
Mr. Arup Sarkar

... For the State.

**Dictated by Arijit Banerjee, J.**

1. Status report filed by the State be kept with the records. We find from the report that the prosecution intends to examine 13 witnesses in all. The victim girl only has been examined. However, the medical report does not support the prosecution case.

2. The petitioner has been in custody for 1 year 10 months. There does not appear to be any possibility of an early conclusion of the trial. We are told that PW 2, being the

defacto complainant, is unable to attend the hearing for being examined as she is suffering from carcinoma.

3. In view of complete uncertainty as to when the trial would conclude and the already long period of detention of the petitioner, without touching the merits of the case and only on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Rajib Naskar @ Raja**, 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 Judge, Special Court under POCSO Act, Howrah. The petitioner shall appear before the learned 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. The petitioner shall remain within the territorial limits of Howrah Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the Howrah Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Bally Police Station and Howrah Police Station his current local address at Howrah where he shall be residing while on bail.

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

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

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

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

**(Arijit Banerjee, J.)**

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