

07.02.2025
Item no. 16.
Court No.29.
AB
(Allowed)

CRM (DB) 4082 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raiganj Police Station Case No.811 of 2015 Dated 18.07.2015 under Sections 376(2)/302/201/34/120B of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Samed AliPetitioner.

Mr. Navanil De,
Mr. Srinjan Ghoshfor the Petitioner.

Ms. Faria Hossain,
Ms. Suparna Chatterjeefor the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State, be kept with the records. It appears from the report that the prosecution proposes to examine all 32 charge sheet named witnesses.
2. Only 8 witnesses have been examined so far. The petitioner is in custody for more than nine and half years. There is clearly no possibility of an early conclusion of the trial. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to grant bail to the petitioner, but on stringent conditions.
3. Accordingly, we direct that the petitioner, namely **SAMED 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 the POCSO Act at Raiganj, Uttar Dinajpur, and on further conditions that he shall not enter the jurisdiction of Raiganj Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Raiganj Police Station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside twice a week until further orders. The petitioner shall remain within the district of Uttar Dinajpur until further orders.

4. 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 and/or commit any cognizable offence in any manner whatsoever.
5. 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.
6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

