

26.03.2025
Item No.37
Court No.26
CHC
Allowed

CRM (DB) 4233 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/ under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023, in connection with **Jamuria** Police Station Case No. **325** of **2018** dated **21.12.2018** under Sections **302/201/376/120B** of the Indian Penal Code and under Sections 6/8/12 of the POCSO Act and adding Section 376D of the Indian Penal Code and under Section 4 of the POCSO Act.

-And-

In the matter of : Sandip Burnwal @ Sonu

... ... Petitioner

Mr. Ayan Basu, Advocate
Sk. Salim, Advocate
Mr. Sumit Routh, Advocate
... ... *For the Petitioner*

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly, Advocate
Mr. Koushik Kundu, Advocate
... ...*For the State*

Mr. Sauradeep Dutta, Advocate
... ...*For the de facto complainant*
(appointed through High Court Legal Aid)

1. Police case is dated December 21, 2018.
2. Trial is yet to be concluded.
3. Petitioner is in custody in excess of 6 years 3 months.
4. Purely on the ground of Article 21 of the Constitution of India
in view of the period of custody of the petitioner, we are
inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Additional Sessions Judge, 1st Court, Paschim Burdwan**, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
7. The prayer for bail of the petitioner is **allowed**.
8. CRM(DB) 4233 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)