

CRM (DB) 4280 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 **Chhatna Police Station** Case No. **90 of 2019** dated **22.10.2019** under Sections **376(2)(i)(j)/376(D)/328** of the Indian Penal Code and Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Robindra Nath Kisku

.... Petitioner.

Mr. Pravas Bhattacharyya,
Mr. Arup Kundu,

... For the Petitioner.

Ms. Amita Gour,
Ms. S. Das,

... 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 says that he is in custody for over five years. On the ground of delay, this court granted bail to two co-accused persons, namely, Sukhendu Saren @ Sukhen and Bhupendra Soren. He claims parity.
4. Learned State Advocate while opposing the bail prayer says that five more witnesses remain to be examined. The trial should be concluded on an early date. However, he does not dispute that this petitioner is in judicial custody for more than five years.
5. Five years is a very long period of time to keep an under-trial in incarceration. We cannot lose sight of the paramount importance of a citizen's fundamental right to personal liberty and

speedy trial. Without touching the merits of the case and solely on the ground of delay in progress of trial, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Robindra Nath Kisku**, 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), Bankura subject to condition that he shall appear before the trial court on each and every date of substantive hearing subject to the provisions of Section 317 Cr. P.C. and shall not intimidate witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

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.**)