

CRM (DB) 71 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Narendrapur Police Station** Case No. **117 of 2023** dated **07.02.2023** under Sections **376(2)(f)(3)** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Debabrata Maiti

.... Petitioner.

Mr. Apalak Basu,
Ms. Sanghamitra Mridha,

... For the Petitioner.

Ms. Amita Gour,
Ms. S. Dutta,

... For the State.

Mr. Angshuman Chakraborty,

....for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. We see that only 1 witness, i.e., the victim girl has been examined. There are 10 charge sheet named witnesses. The State proposes to examine all the witnesses. This means that there is little possibility of an early conclusion of the trial.
3. The petitioner is in custody for more than two years. He says that he has been falsely implicated since he has caused a criminal case to be instituted against the victim's father on the ground that he was running an illegal spa in the locality. That case is pending. The medical report *prima facie* does not support the prosecution case.
4. We need not get into the facts and circumstances of the case. We see that there is very slow progress in the trial. From the status report we find that on numerous occasions, the witnesses were not present.

5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Debabrata Maiti**, 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 Special Judge under the POCSO Act, Baruipur, South 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of the Narendrapur police station and shall meet the O.C of the concerned police station, where he will reside, once every fortnight 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.)**