

14.
20-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 265 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Chinsurah Police Station Case No.216 of 2020 dated 01-08-2020 under Sections 4/6 of the Protection of Children from Sexual Offences Act read with Section 376(I) of the Indian Penal Code.

- A n d -

In the matter of : Kartick Chandra Das @ Mana

.... Petitioner.

Mr. Smarajit Basu,
Mr. Arindam Dey

... For the Petitioner.

Ms. Baisali Basu,
Ms. Suruchi Saha

... For the State.

Ms. Anasuya Bhattacharya,
Ms. Munmun Chakraborty

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.

2. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India since he is in custody for about 4 years and 7 months. He says that only 10 out of 19 charge sheet named witnesses have been examined. He also points out that while rejecting his bail prayer on September 06, 2023 in CRM (DB) 3476 of 2023, a coordinate Bench had directed the learned trial Court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties.

Learned advocate says that the order was communicated to learned trial Court on September 19, 2023. However, the order has had no effect.

3. Learned State advocate, while opposing the prayer for bail, shows us the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have also seen other material in the Case Diary. It cannot be said that there is no incriminating material against the petitioner.

4. However, we have repeatedly said that a strong prosecution case would not justify incarceration of the accused person for an indefinite period of time. A coordinate Bench had directed the trial to be concluded within a year from the next date fixed for recording of evidence. The order has not been complied with. The petitioner is in custody for a long period of time. There is some merit in the submission made on behalf of the petitioner that his fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India has been infringed.

5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we allow this application for bail.

6. Accordingly, we direct that the petitioner, namely, **Kartick Chandra Das @ Mana**, 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 Additional Sessions Judge cum Special Judge under POCSO Act, 2nd Court, Hooghly Sadar. 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall

remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

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

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

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

10. 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.)