

27.11.2020
Item No. 8
Sdas
allowed

**CRM 8934 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 99 of 2019 dated 23.03.2019 under Section 6 of the POCSO Act.

And

In Re : Saidul Sk. petitioner

Mr. Mazahar Hossain Chowdhury
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
....for the State

Petitioner is in custody for 613 days.

Learned Counsel appearing for the petitioner submits that vulnerable witness that the victim has already been examined.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the facts and circumstances of the case particularly the fact that the vulnerable witness has already been examined and in the light of the protracted period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner 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, Malda subject to the condition that 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 in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)