

C.R.M. 9848 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Golabari P.S. Case No. 252 of 2015 dated 07.03.2015 under sections 363/376(2)(i)(j) of the Indian Penal Code and sections 4/6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : MD. Sona

Mr. S.B. Roy Chowdhuri

... ... for the petitioner

Mr. Saswata Gopal Mukherjee, PP
Mr. Partha Pratim Das

... ... for the State

Petitioner is in custody for more than five years. It is submitted that allegation of penetrative sexual assault is not supported by medical evidence.

Learned lawyer for the State opposes the prayer for bail. The vulnerable witness, i.e. the victim has already been examined.

Although the allegations are grave, in view of the aforesaid development and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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, Howrah 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 witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so 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, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)