

23.12.2020
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allowed

**CRM 10654 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 420 of 2020 dated 03.08.2020 under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act adding Section 376(3) read with Sections 4/17 of the POCSO Act.

And

In Re : Baidyanath Biswas petitioner

Mr. Krishan Ray
Mr. Pronojit Roy

.....for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the petitioner is not the principal accused. He is in custody for 100 days.

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

In view of the extent of complicity of the petitioner in the alleged crime including period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant 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, Nadia, subject to 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.)