

26.11.2020

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**CRM 5476 of 2020
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kumargram P.S. Case No.19 of 2019 dated 21.02.2019 under Sections 10 of the POCSO Act.

And

In the matter of: Niranjana Barman

....Petitioner.

Mr. Arnab Saha

...for the Petitioner.

Mr. A.S. Chakraborty

Mr. S.S. Sikdar

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioner that he was in custody for over 646 days.

Examination of the vulnerable witness is complete.

Learned lawyer for the state opposes the prayer for bail.

In view of the aforesaid fact and the nature of accusation and in view of the period of detention suffered by the petitioner, 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/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Sessions Judge-cum-Judge, Special Court under POCSO Act at Alipurduar subject to condition that the petitioners 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 fail 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.

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.)