

CRM No.3732 of 2021
(Via video conference)

02.06.21

(S.R.)

Sl.18

Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Burwan** Police Station Case **No.203 of 2018** dated **13.06.2018** under Sections **489(B)/489(C)** of the Indian Penal Code;

And

In re: Alom Seikh @ Amirul Sk. @ Alip Sk.

Mr. Arindam Roy

... for the petitioner.

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

...for the State.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is aged about 19 years. He had been falsely implicated in an alleged incident which occurred in the month of June, 2020. He had been arrested on a purported allegation that ten pieces of fake currency notes amounting to Rs.20,000/- had been recovered from his possession. Such allegation is absolutely unfounded. Upon completion of investigation, charge sheet has been submitted. However, there is no possibility towards early conclusion of trial. The petitioner is languishing in custody for a period of more than two years 11 months. In the said conspectus, further custodial detention of the petitioner is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and submits that the trial has commenced and out of five witnesses, one witness has already been examined. At this stage, the petitioner is not entitled to the relief, as prayed for.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

In the present pandemic situation and rapid proliferation of the virus, bail should be granted liberally unless custodial detention of the accused is absolutely essential [See the order passed by the Hon'ble

Supreme Court in Re: *Contagion of Covid-19 Virus in Prisons*].

In view thereof and considering the age and the period of detention of the petitioner and as there is no possibility towards early conclusion of trial, we are of the opinion that further custodial detention of the petitioner is not warranted in the facts and circumstances.

Accordingly, the petitioner, namely, **Alom Seikh @ Amirul Sk. @ Alip Sk.** 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 Additional District and Sessions Judge cum Child Special Court POCSO Act at Kandi, Murshidabad.

The petitioner shall meet with the officer-in-charge of Burwan Police Station once in a week on and from 9th of June, 2021 until further orders.

He shall also attend the learned trial court on all the dates as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for bail being CRM No.3732 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)