

08.12.2021.
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as
(Allowed)

C.R.M. 4768 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashoknagar P. S. Case No.286 of 2018 dated 02.05.2018 under Sections 376(2)(i)(ii)/506 of the Indian Penal Code read with Sections 4 of the POCSO Act.

In the matter of : Sambhu Munda.

.... Petitioner.

Ms. S. K. Das,
Mr. Sujan Chatterjee.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Ms. Sujata Das.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than three years. He renews his prayer for bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim is a minor and the child was born from cohabitation.

We have considered the materials on record. Petitioner is in custody for more than three years. Evidence of the minor has already been recorded. Balancing the gravity of the offence on one hand against protracted period of under trial detention on the other hand particularly in the light of the fact that vulnerable witness has already been examined, we are inclined in granting 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 N. D. P. S. Act, North 24-Paraganas at Barasat subject to 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 appear before the Trial Court without any 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, being C.R.M.4768 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)