

CRM 5722 of 2021
(Via video conference)

In re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Sankrail Police Station case no. 732 of 2018 dated 14.10.2018 under Sections 354A/506 of the Indian Penal Code, 1860 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

In the matter of : Saikat Dolui @ Babai

..... Petitioner

Mr. Soumya Basu Roy Chowdhury

.....for the Petitioner

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

....for the State

It is submitted by the learned advocate for the petitioner that there is no chance of conclusion of the trial in near future since out of nine witnesses, none has been examined so far. It is also submitted that the petitioner is in custody for more than two and half years.

Having regard to the fact that the petitioner has already undergone imprisonment for more than half the maximum punishment that may be imposed under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, and also having regard to the nature of allegations and the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code, 1973, I am of the opinion that there is no further need to keep the petitioner in custody.

In that view of the matter, the petitioner, namely, **Saikat Dolui @ Babai**, shall be released on bail upon furnishing a bond of Rs. 8,000/- (Rupees Eight Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court (POCSO Court), Howrah with a further condition that the petitioner shall attend the trial every date unless prevented by sufficient cause. In the event of his failure to appear without justifiable cause, the trial Court will be at liberty to cancel the bail without any further reference to this Court.

Accordingly, the application for bail being **CRM 5722 of 2021** is disposed of.

All parties are to act on the server copy of this order duly downloaded from the website of this court.

(Kausik Chanda, J.)