

11.05.2022

Serial no. 34

[Dd]

(Bail **allowed**)

CRM (DB) 1181 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Naihati** Police Station Case No. **328** of **2020** dated **06.08.2020** under Sections **363** of the Indian Penal Code and subsequently charge sheet submitted under Sections **363/366A/368/370/372/373/376/120B** of the Indian Penal Code read with Sections **3/4/5/6/7/8** of Immoral Trafficking (Prevention) Act and **4/6/8/12/17** of POCSO Act (corresponding to POCSO Case no. **57/2021**)

-And-

In the matter of : Biswajit Mahato @ Dele

... .. Petitioner

Mr. Bitosok Banerjee, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Advocate

... ..For the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is a driver of a toto vehicle. The principal accuseds were granted bail by the jurisdictional Court. He refers to such orders passed by the jurisdictional Court. The petitioner is in custody for 200 days. Police filed charge sheet. Therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State submits that the petitioner was the person who was ferrying the minor children.

There are orders of the jurisdictional Court granting bail to the other co-accuseds involved in the present police case.

In view of other co-accuseds being enlarged on bail by the jurisdictional Court and considering the involvement of the petitioner in the incident as transpiring from the materials in the case diary, and considering his period of detention 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 Judge, Special Court under POCSO Act, Barrackpore, North 24 Parganas** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 1181 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)