

17.06.2022
SL No 58
Saswata
Ct.28
(Allowed)

CRM (DB) 1833 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Purbasthali** P.S. Case No. **52/2021** dated **15/02/2021** under Sections **302/34** of the **Indian Penal Code, 1860** read with **Sections 25/27** of the **Arms Act, 1959** and **Section 6** of **POCSO Act**.

And

In the matter of: **Jiten Ghosh**

....Petitioner

Mr. Sabyasachi Mukherjee

Mr. Bibek Dey

Ms. Debarati Choudhury

...for the Petitioner

Mr. Madhusudan Sur, APP

Mr. Manoranjan Mahata

...for the State.

Petitioner renews his prayer for bail. He is in custody for over a year.

Learned lawyer for the State opposes the prayer for bail. He submits trial is in progress.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the crime. There is little possibility of the trial concluding in near future. Balancing the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

The prayer for bail is, thus, allowed.

Let the petitioner 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 POCSO Act, Malda subject to the condition

that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)