

27.06.2022
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 1904 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.06.2022 in connection with Shyampur Police Station Case No. 227 of 2021 dated 12.06.2021 under Sections 363/376(3)/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act resulting in charge sheet under Sections 363/366/506/34 of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act.

And

In Re: **Sk. Toufik Ali**

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Ms. Devipriya Mitra

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Md. Anwar Hossain
Ms. Sreyashee Biswas

... .. for the State

Petitioner renews his prayer for bail.

It is submitted on behalf of the petitioner that he is in custody for about one year. In spite of direction given by this court, trial has hardly progressed.

Report is placed on record. It appears from the report charge has been framed against the petitioner and co-accuseds. Date has been fixed for examination of the victim and de-facto complainant.

We have considered the materials on record. Petitioner is not the principal accused. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sk. Toufik Ali**, 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 the POCSO Act, Uluberia, Howrah subject to condition that the said 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 or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)