

14.11.2022.
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as
(Allowed)

C.R.M. (DB) 3801 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pathar Pratima P. S. Case No.185 of 2018 dated 01.09.2018 under Sections 376(2)(i)/313 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Shaktipada Majhi.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Komol Mishra.

...for the Petitioner.

Md. Anwar Hossain,
Mr. Amanul Islam.

...for the State.

Heard the learned Advocates for the parties.

Petitioner is in custody for four years and two months. In spite of direction by this Court, there is very slow progress in the trial of the case.

Report is placed on record. From the report it appears eight witnesses have been examined till date. There is no clarity within which period the prosecution would be able to conclude the trial. Vulnerable witnesses have already been examined.

Under such circumstances, we are inclined to grant 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 the POCSO Act,

Kakdwip, South 24-Paraganas subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Pathar Pratima Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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 for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)