

05.12.2022.
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as
(Allowed)

C.R.M. (DB) 4048 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhangore P. S. Case No.178 of 2021 dated 11.04.2021 under Sections 363/366/376AB/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Sarat Mondal.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Falguri Bandyopadhyay,
Ms. Riya Ballav.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Subrata Patel.

...for the State.

Affidavit of service is placed on record. Report is also placed on record showing victim has been notified with regard to the bail application.

Petitioner is in custody for 602 days. He submits there is delay in the trial of the case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim was a minor and had been ravished.

We have considered the materials on record. Vulnerable witnesses have already been examined. Keeping in mind the protracted period of detention suffered by the petitioner and as vulnerable witnesses have already been examined, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sarat Mondal 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 Additional Chief Judicial Magistrate, Chanchal, Malda 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.

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.)