

13.12.2022
SI. No.22
akd
[ALLOWED]

C. R. M. (DB) 4083 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.11.2022 in connection with Sagar Police Station Case No. 301 dated 03.10.2018 under Sections 363/366/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 363/366/34/376(2)(i)/120B/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Prasenjit Das**

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four months. It is further submitted there is inordinate delay in the trial of the case.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the vulnerable witness i.e. victim has been recorded. In view of the aforesaid development and inordinate delay in the trial of the case, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Prasenjit Das**, 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-cum-Additional District & Sessions Judge, 1st Court, Kakdwip, South 24-Parganas 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.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)