

07.12.2022
Sl. No.22
[ALLOWED]

C. R. M. (DB) 4140 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.11.2022 in connection with Raiganj Women Police Station Case No.101 of 2021 dated 01.07.2021 under Section 6 of the POCSO Act.

And

In Re: ***Mantosh Roy***

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Ms. Dipanwita Das

... .. for the petitioner

Mr. Sujoy Sarkar

... .. for the de-facto complainant

Mr. Joydeep Roy
Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 523 days. Victim has already been examined.

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

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Victim has already been examined. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mantosh Roy***, 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, Raiganj, Uttar Dinajpur 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**.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)