

28.11.2022
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allowed

CRM(DB) No. 4168 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sealdah GRP Police Station Case No. 34 of 2015 dated 16.02.2015 under Sections 328/34/376-D of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Md. Shahnawaz Hossain @ Billa petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than seven years. It is also submitted that there is inordinate delay in the trial of the case. Co-accused has been granted bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is the principal accused.

We have considered the materials on record. Victim lady has already been examined. There is inordinate delay in trial. Though the petitioner is the principal accused, in view of protracted detention suffered by the petitioner and as vulnerable witness has already been examined, we are inclined to grant bail to him.

Accordingly, we direct that 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 Additional Sessions Judge, 2nd Court, Alipore, South 24 Parganas, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)