

14.12.2022
Sl. No.12
akd
[ALLOWED]

C. R. M. (DB) 4206 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2022 in connection with Muchipara Police Station Case No.180 of 2019 dated 04.09.2019 under Sections 4/6 of the POCSO Act.

And

In Re: ***Rashid Gazi***

... .. Petitioner

Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Karan Bapuli

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

Report is placed on record. It appears from the report victim has been intimidated.

It is submitted on behalf of the petitioner that he is in custody for more than three years.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Vulnerable witness i.e. minor victim has been examined. Keeping in mind the aforesaid fact and 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 ***Rashid Gazi***, 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-learned Judge, City Sessions Court, Bench-II, Calcutta 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.)