

20.01.2023.
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as
(Allowed)

C.R.M. (DB) 105 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maipith Coastal P. S. Case No.95 of 2020 dated 13.10.2020 under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Manirul Laskar.

.... Petitioner.

Mr. S. D. Roy,
Mr. D. Guha.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Intimation report is placed on record. Nobody appears for the survivor.

Petitioner is in custody for more than two years. He submits he is not the principal accused. Survivor has already been examined. He prays for bail. .

Learned Advocate for the State produces the case diary. He submits survivor had boarded the van driven by the petitioner and was taken to the house of the principal accused who ravished her.

We have considered the materials on record. Petitioner is not the principal accused. Vulnerable witness i.e. the survivor has already been examined. Bearing in mind the extent of complicity of the petitioner in the crime, period of detention suffered by the petitioner and as there is little possibility of

trial concluding in the near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Manirul Laskar 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 Judge, Special Court under the POCSO Act, Baruipur, South 24-Paraganas 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.)