

24.01.2023.
27.
as
(Allowed)

C.R.M. (DB) 121 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.389 of 2018 dated 20.10.2018 under Section 376 AB of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Kartick Biswas.

.... Petitioner.

Mr. Khalid Hasan.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Subhasree Patel.

...for the State.

Report is placed on record. From the report it appears no prosecution witness has been examined. In the meantime survivor has expired.

Petitioner is in custody for more than four years. Due to inordinate delay, the most vital witness i.e. the survivor expired and could not be examined. The blame lies at the end of the prosecution.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Kartick Biswas 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 Chief Judicial Magistrate, Ranaghat, Nadia 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.)