

13.02.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 319 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Burtolla Police Station Case No.175 of 2014 dated 30.04.2014 under Sections 344/366A/370/372/120B/376 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Sekhar Samanta @ Sekhar Sil**

... .. Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Ayantika Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than eight years. It is further submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits date has been fixed for examination of the petitioner under Section 313 of the Code of Criminal Procedure.

We have considered the materials on record. Statement of the minor implicates the petitioner in the offence of penetrative sexual assault. Though allegations are grave, petitioner has suffered incarceration for about nine years. In view of the aforesaid facts particularly the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Sekhar Samanta @ Sekhar Sil**, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, Bench-II, City Sessions Court, 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Sonarpur Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Sonarpur Police Station once in a week until further orders.

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.)