

17.02.2023.
20.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 416 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashoknagar P. S. Case No.725 of 2021 dated 24.09.2021 under Section 376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Ajjiul Rahaman @ Aijul Box.
.... Petitioner.

Mr. Sumanta Chakraborty,
Ms. Ankana Sarkar.
...for the Petitioner.

Mr. Partha Pratim Das,
Mrs. Manasi Roy.
...for the State.

Mr. Kallol Mondal.
...for the de-facto complainant.

Petitioner is in custody for 510 days. There is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. She submits trial is at its fag end.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Petitioner has suffered under trial detention for about one year and four months. Vulnerable witnesses have already been examined.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Ajjiul Rahaman @ Aijul Box 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 Chief Judicial Magistrate, Barasat, North 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.)