

15.02.2023
Sl. No.67
akd
[ALLOWED]

C. R. M. (DB) 616 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Mandarmoni Coastal Police Station Case No.47 of 2019 dated 02.11.2019 under Sections 366A/368/370/372/373/120B/34 of the Indian Penal Code, Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act and Sections 4/17/21 of the POCSO Act.

And

In Re: ***Shaktipada Maity @ Bapi***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

Affidavit-of-service filed in court today be kept with the record.

It is submitted on behalf of the petitioner that he is in custody for more than three years. Vulnerable witness has been examined. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner stands on a different footing. He recruited the minors for sexual exploitation.

We have considered the materials on record. Vulnerable witness has already been examined. Petitioner is in custody for more than three years. Keeping in mind the aforesaid facts, 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 ***Shaktipada Maity @ Bapi***, 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-Additional District & Sessions Judge, 1st Court, Contai, Purba Medinipur 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 Ramnagar Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Ramnagar 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.)