

22.03.2023.
20.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 928 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Nadia Case No.167 of 2020 dated 20.02.2020 under Section 4 of the POCSO Act and alternatively under Section 376(1) of the Indian Penal Code.

In the matter of : Hajibul Sk.

.... Petitioner.

Ms. Sourav Chatterjee,
Mr. Aditya Tiwari.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Affidavit of service filed in Court today be kept on record. Report is also filed on behalf of the State.

Petitioner is in custody for two years and eight months. It is contended there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Bail prayer of the petitioner was considered on merits earlier. However, there is no progress in the trial since rejection of bail by this Court.

In view of the aforesaid circumstance, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail on the ground of inordinate delay in trial.

Accordingly, the petitioner viz., Hajibul Sk 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-cum-Additional Sessions Judge, 2nd Court, Malda 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.)