

31.03.2023.
30.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1086 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.982 of 2019 dated 27.09.2019 under Section 6 of the POCSO Act and charge sheet submitted under Section 6 of the POCSO Act.

In the matter of : Sk. Akramul.

.... Petitioner.

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk.,
Ms. Susmita Ghorai.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for about three years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits report. From the report it appears victim and her mother have already been examined.

We have considered the materials on record. Petitioner has suffered incarceration for a protracted period of time. Vulnerable witnesses have already been examined.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner Sk. Akramul 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 under the

POCSO Act-cum-Additional District 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.)