

13.04.2023.
29
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1247 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Women's P. S. Case No.87 of 2020 dated 08.09.2020 under Section 4 of the POCSO Act.

In the matter of : Sk. Naibul.

.... Petitioner.

Mr. Sagnik Mukherjee.

...for the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...for the State.

Petitioner is in custody for 640 days. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is in custody for a protracted period of time. Vulnerable witnesses have already been examined.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Sk. Naibul 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, 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.)