

12.06.2023

Sl. 10

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 1299 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dholahat** P. S. Case No. **24 of 2023** dated **14.01.2023** under Section **376(AB)** of the IPC and Section **6(01)** of the POCSO Act, 2012.

And

In the matter of: **Bikash Halder**

....petitioner

Mr. Ayan Basu

Mr. Sandip Kr. Mondal

Mr. Sourav Bera

Mr. Sumit Routh

...for the petitioner.

Mr. P. K. Datta, APP

Mr. Santanu Deb Roy

...for the State.

Md. Wasim Akram

Mr. Ali Hossain Laskar

...for the de facto complainant.

1. Heard the learned Counsel for both the parties.
2. From the evidence on record, we find a *prima facie* case under Section 6(1) of the POCSO Act. However, the trial having commenced, the victim girl has already been examined in Court. There is no record of past criminal antecedent against the petitioner also. The victim girl having been examined already, question of tampering with her vulnerability does not arise. The petitioner is stated to be in custody for more than 150 days.
3. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner and stage of the trial, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, South 24 Parganas in POCSO case No. 6 of 2023 arising out of Dholahat P.S. case No. 24 of 2023 on such terms and conditions as deemed just and proper in the facts and

circumstances of the present case including the condition that: i) the petitioner shall appear before the Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) the petitioner shall not leave the jurisdiction of the court during pendency of the trial without leave of the Trial Court; iii) the petitioner shall not threaten, induce or coerce any of the witness remained to be examined in the trial.

4. Accordingly, the prayer for bail of the petitioner is allowed.
5. CRM (DB) 1299 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)