

27.04.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 1459 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2023 in connection with Hariharpara Police Station Case No.303 of 2020 dated 18.09.2020 under Section 6 of the POCSO Act.

And

In Re: **Sahidul Sk. @ Kalu Sk. @ Sahidul Shaikh**
... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath
... .. for the petitioner

Mr. Avishek Sinha
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year. Accordingly, he prays for bail.

Report is placed on record.

Inspite of notice, nobody appears for the minor victim.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Minor has not supported the prosecution case in court. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sahidul Sk. @ Kalu Sk. @ Sahidul Shaikh**, 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, Berhampore, Murshidabad 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.

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.)