

27.04.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 1471 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 English Bazar Police Station Case No.435 of 2021 dated 08.04.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Sahid Sk.**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Santanu Talukdar
Mr. Avinaba Patra

... .. for the de-facto complainant

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 55 days. It is further submitted he is not the principal accused. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits petitioner had jumped bail.

We have considered the materials on record. Though conduct of the petitioner does not inspire confidence, we note that vulnerable witness i.e. the victim has already been examined. Petitioner is not the principal accused. 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 and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Sahid Sk.**, 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-cum-Additional District Judge, 2nd Court, Malda 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Kaliachak Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Kaliachak Police Station once in a week until further orders.

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.)