

26.04.2023
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allowed

CRM(DB) No. 1683 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur Police Station Case No. 511 of 2019 dated 23.08.2019 under Section 376(AB) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Santiram Das @ Santilal Das petitioner

Mr. Soumyajit Das Mahapatra
Mr. Soumya Basu Roy Chowdhury
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
.... for the State

Learned Counsel for the petitioner submits he is in custody for three years and eight months. Vulnerable witnesses have been examined. There is no possibility of the trial concluding in the near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Minor victim and her parents have already been examined. Petitioner is in custody for a considerable period of time. Delay in the matter cannot be attributed to the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 POCSO Act, Howrah, subject to conditions that petitioner shall appear

before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)