

19.05.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2042 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpara P. S. Case No.520 of 2018 dated 12.07.2018 under Sections 366A/370/370A/372/373/120B/34 of the Indian Penal Code read with Sections 3/4/5/7/9 of the Immoral Traffic (Prevention) Act and Sections 4/17/18 of the POCSO Act.

In the matter of : Shyamal Mondal.

.... Petitioner.

Mrs. Sonali Das,
Mr. Dhananjoy Banerjee,
Mr. Pratip Mukherjee,
Ms. Rima Banerjee.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Arabinda Manna.

...for the State.

Ms. Z. V. Varte,
Mr. Rameshwar Sinha.

...for the de-facto complainant.

Petitioner is in custody for more than four years. He submits there is no possibility of trial concluding in the near future. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Most of the vulnerable witnesses have been examined. Petitioner has suffered incarceration for a protracted period of time. There is no possibility of trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Shyamal Mondal 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 Sessions Judge, 1st Court, Serampore, Hooghly 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.)