

14.08.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 2365 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No.54 of 2018 dated 05.02.2018 under Section 4 of the POCSO Act.

And

In Re: ***Lalchan Musahar***

... .. Petitioner

Mr. Kazi M. Rahaman

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five years. Accordingly, he prays for bail on the ground of delay.
2. Report is placed on record. From the report it appears vulnerable witness i.e. the minor victim has been examined.
3. Keeping in mind the aforesaid development and the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Lalchan Musahar***, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)