

08.08.2023.  
30.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 2411 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Englishbazar P. S. Case No.536 of 2022 dated 05.04.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Abhay Mondal @ Biswajit @ Avei Mondal.  
.... Petitioner.

Mr. Robiul Islam,  
Mr. Raju Mondal,  
Mr. Jayed Hossain,  
Ms. Keya Sutradhar.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. SGA,  
Ms. Sonali Bhar.

...for the State.

Petitioner is in custody for 470 days. Evidence of the vulnerable witness has been recorded. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Evidence of the vulnerable witness has been recorded. There is little possibility of trial concluding in the near future.

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

Accordingly, the petitioner viz., Abhay Mondal @ Biswajit @ Avei 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, Malda 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.)**