

17.07.2023
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allowed

CRM(DB) No. 2456 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 368 of 2018 dated 19.10.2018 under Sections 363/366/376(2)(i)(n)/372/373 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sanjay Paul @ Kalu petitioner

Mr. Prabir Majumder

....for the petitioner

Mr. Swapan Banerjee

Mr. A. S. Chatterjee

.... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Vulnerable witness has been examined. Co-accused, Somnath Dutta, was enlarged on bail due to inordinate delay in trial. Offences, even if proved, would not attract mandatory life imprisonment. 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 Additional Sessions Judge-cum-Judge, Special Court, POCSO Act, Ranaghat, Nadia, 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.)