

13.07.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 2733 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2023 in connection with Minakhan Police Station Case No.229 of 2018 dated 27.07.2018 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Saidul Sekh**

... .. Petitioner

Mr. Amanul Islam
Mr. Arka Chakraborty

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four years and seven months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Vulnerable witness has already been examined. Keeping in mind the aforesaid fact and the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Saidul Sekh**, 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, Basirhat, North 24-Parganas 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.

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.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)