

CRM(DB) No. 2813 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 413 of 2022 dated 01.05.2022 under Sections 448/376/511/509/506(2) of the Indian Penal Code read with Section 4 of the POCSO Act.

In Re : Biswajit Biswas

Ms. Minoti Gomes
....for the petitioner

Mr. Shiladitya Banerjee
.... for the State

Mr. Amlanjyoti Sengupta
Mr. Sunit Kumar Roy
.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for one year. He prays for bail.

Learned Counsel for the State produces the Case Diary.

Learned Counsel for the de facto complainant opposes the bail prayer.

We have considered the materials on record. Vulnerable witness has already been examined. Allegation of attempt to rape requires to be assessed in the course of trial. Petitioner is in custody for a protracted period of time. There is little possibility of trial concluding in near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, 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 District & Sessions Judge, Ranaghat, cum Judge Special Court under 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.)