

08.08.2023
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allowed

CRM(DB) No. 2929 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 142 of 2019 dated 27.04.2019 under Section 6 of the POCSO Act.

And
In Re : Sultan Mollah petitioner

Mr. Shahjahan Hossain
Ms. Sanjida Sultana
Mr. Prithwiraj Biswas
.....for the petitioner

Mr. Noguive Ahamed, learned APP
..... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted that there is slow progress in the trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for more than three years. Vulnerable witnesses have been examined. There is little possibility of trial concluding in the near future. 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 Judge, Special Court under POCSO Act, Additional District & Sessions Judge, Baruipur, 24 Parganas (South) 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.)