

01.08.2023
tkm/ct 28
sl no. 29

C.R.M. (DB) 3023 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagacha P.S case no. 172 of 2018 dated 17.10.2018 under section 6 of the POCSO Act
and

Allowed

In Re : Sk. Hafiz Ali ... petitioner

Mr. Wasim Reza
..... for the petitioner

Mr. R D Nandy
Ms. Sonali Das
..... for the State

Petitioner is in custody for more than four years. It is submitted allegation of penetrative sexual assault is an embellishment. Vulnerable witnesses have already been examined. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Though the allegations are grave, we note petitioner is in custody for about five years and 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, the petitioner 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, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 3023 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)