

13.09.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3049 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2023 in connection with Krishnaganj Police Station Case No.216 of 2023 dated 13.06.2023 under Sections 376/511 of the Indian Penal Code read with Section 10 of the POCSO Act.

And

In Re: **Basudeb Biswas**

... .. Petitioner

Mr. Anindya Ghosh
Ms. Sunita Sarkar

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 92 days. Accordingly, he prays for bail.
2. Report is placed on record.
3. We have considered the materials on record. Charge has not yet been framed. There is no possibility of trial concluding in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Basudeb Biswas**, 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, Krishnagar, Nadia 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)