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CRM(DB) No. 3469 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cyber Crime Police Station Case No. 09 of 2020 dated 25.08.2020 under Sections 376/506/509/354B of the Indian Penal Code and under Section 6 of the Indecent Representation of Women (Prohibition) Act and 66E/67A of the Information Technology Act and adding Sections 6/14 of the POCSO Act.

In Re : Bapi Das

And
..... petitioner

Mr. Sourav Mondal
Mr. Sakhawat Khandakar
Mr. Pronojit Roy
Mr. M. Nazar Choudhury
Ms. Swati Jha
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years. It is contended there is delay in trial. It is also submitted that objectionable pictures were sent by him to others which have been produced during trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. In spite of service nobody appears for the victim.

4. We have considered the materials on record. There was a romantic relationship between the parties. Prosecution case is that the petitioner had forwarded objectionable pictures to others. This issue requires to be proved during trial. Evidence of victim

has already been recorded. There is little possibility of trial concluding in the near future. Keeping in mind the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

5. 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 Special Judge, POCSO Act-cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur, subject to condition 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)