

06.09.2023
tkm/ct 28
sl no. 38

C.R.M. (DB) 3491 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Barasat P.S case no. 365 of 2022 dated 3.6.2022 under sections 376(2)(f)(n)/376AB IPC and section 6 of the POCSO Act

and

Allowed

In Re : Prosenjit Das

... petitioner

Mr. N S Ghosh
Ms. S Chatterjee
Mr. Sourav Mondal

..... for the petitioner

Mr. M Sur
Mr. M Mahata

..... for the State

Mr. Mujibar Ali Naskar

..... for the de facto complainant

1. Petitioner is in custody for 461 days. It is submitted there is delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Vulnerable witness has been examined. Petitioner is in custody for a considerable period of time. There is inordinate delay in trial.
5. Under such circumstances, we are inclined to grant bail to the petitioner, however subject to conditions.
6. 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, Barasat, North 24 Parganas 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 and on further condition that the petitioner while on bail shall meet the Officer-in-Charge, Barasat P.S once in a week until further orders.

7. 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.

8. The application being CRM (DB) 3491 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)