

CRM (DB) 3654 of 2023

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 58 of 2020 dated 19.01.2020 under section 6 of the POCSO Act.

And

In the matter of : Ahad Sk

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... ... for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... ... for the State

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... ... for the de facto complainant

1. Petitioner is in custody for four years. Vulnerable witnesses along with the victim have been examined. Further detention is not necessary.
2. Under such circumstances, we are inclined to grant bail to the petitioner.
3. Accordingly, 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, Malda subject to the condition that the 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.
4. In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

8. The application for bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)