

09.10.2023

Item No.6

Ct.No.34

dc.

Allowed

C.R.M. (SB) 192 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Domjur Police Station Case No. 288 of 2021 dated 21.04.2021 under Sections 448/354 of the Indian Penal Code read with Sections 8/12 of the POCSO Act.

And

In Re : **Bapan Malik**

... Petitioner.

Mr. Ashok Das,
Mr. Sourav Mukherjee

... For the Petitioner.

Mr. Saibal Bapuli,
Ms. Zareen N. Khan,
Md. Kutubuddin

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about two and a half years and till date the evidence has not progressed considerably, although the evidence of the victim is over. Learned advocate submits that the allegations are under Sections 8 and 12 of the POCSO Act and the petitioner happens to be a neighbour.

Mr. Bapuli, learned advocate for the State has drawn the attention of the Court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The evidence which is enclosed along with the application for bail has already been considered.

Having regard to the period of detention of the petitioner, I am inclined to the release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Bapan Malik** shall be released on bail upon furnishing 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 (POCSO) Court, Howrah/learned Chief Judicial Magistrate, Howrah.

If on bail, the petitioner shall stay outside the jurisdiction of Domjur Police Station and inform his place of residence/address to the Inspector-in-Charge/Officer-in-Charge, Domjur Police Station. The petitioner shall make himself available before the learned Special Court once in a fortnight for the next six months irrespective of the fact that any date has been fixed by the learned Special Court for the purposes of trial of the present case.

The application for bail, being CRM (SB) 192 of 2023, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)