

03.10.2023.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3800 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur P.S. Case No.259 of 2021 dated 14.04.2021 under Sections 363/365/366 of the Indian Penal Code and Section 06 of the POCSO Act and Section 09 of Child Marriage Restrain Act.

In the matter of : **Prafullya Malik.**

.... Petitioner.

Mr. Somnath Mukherjee.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

1. Petitioner submits he is in custody for more than two and half years. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Minor victim has implicated the petitioner in the crime. Trial is in progress.
4. Inspite of our direction by this Court, trial is not complete. But vital witnesses have already been examined.
5. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail subject to condition.
6. Accordingly, the petitioner viz **Prafullya Malik** 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 the POCSO Act, Baruipore, South 24-Paraganas subject to

condition that he 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 and on further condition that the petitioner while on bail shall remain within Panchla Police Station and report to the Officer-in-charge of Panchla Police Station once in a week until further orders.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)