

13.10.2023
Sl. No.48
akd
[ALLOWED]

C. R. M. (DB) 4018 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Chandernagore Police Station Case No.25 of 2022 dated 02.02.2022 under Sections 376/120B/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Susanta @ Sushanta Debnath @ Bhutto**
... .. Petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury
... .. for the petitioner

Mr. Joydeep Roy
Mrs. Sujata Das
Mr. Amanul Islam
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 680 days. It is further submitted petitioner is not the principal accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the evidence of the minor victim. From the evidence it appears incident occurred in the house of the petitioner. There is nothing to show petitioner was present in the house or was aware of the alleged act. In view of the extent of complicity of the petitioner in the alleged crime, period of detention suffered by him and as vulnerable witness has already been examined, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Susanta @ Sushanta Debnath @ Bhutto**, be released on bail upon furnishing a 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 Court under the POCSO Act, Chandernagore, Hooghly subject to condition that the said 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)