

18.12.2023
Sl. No.90
akd
[ALLOWED]

C. R. M. (DB) 4279 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Kandi Police Station Case No.23 of 2023 dated 15.01.2023 under Sections 363/365/366/34/343/370/511 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

And

In Re: **Sajjak Sk.**

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mrs. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 336 days. It is further submitted that the vulnerable witnesses i.e. the victim and her mother-in-law have been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Vulnerable witnesses have already been examined. There is little possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Sajjak Sk.**, 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-cum-Additional District & Sessions Judge, Kandi Murshidabad 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)