

23.11.2023
tkm/ct 28
sl no. 44

C.R.M. (DB) 4401 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. 929 of 2021 dated 6.11.2021 under sections 376(2)(n)/506 of the IPC and section 6 of the POCSO Act

and

Allowed

In Re : Sudip Ghosh

..... petitioner

Mr. Ayan Basu
Mr. S K Mondal
Mr. S Routh

..... for the petitioner

Mr. S S Imam
Mr. S Kundu

..... for the State

1. Victim has been notified.
2. Affidavit of service is placed on record.
3. Petitioner is in custody for more than two years. It is submitted there is slow progress in trial since rejection of bail in February 2023.
4. Learned lawyer for the State opposes the bail prayer.
5. We have considered the materials on record. Evidence of the victim has been recorded. There is slow progress in the matter since rejection of bail by this court in February 2023. Petitioner is in custody for more than two years. There is little possibility of trial concluding in the near future.
6. Under such circumstances we are of the opinion petitioner has made out a case of grant of bail on the ground of delay in trial.
7. Accordingly, the petitioner 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

Additional District & Sessions Judge, Special Court under POCSO Act Baruipur, South 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

8. 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.

9. The application being CRM (DB) 4401 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)