

20.01.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (DB) 4577 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Belda Police Station Case No.168 of 2021 dated 30.05.2021 under Sections 376(3)/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***William Hembram @ Uiliiam Hemram***

... .. Petitioner

Mr. Amit Ranjan Pati
Ms. Reshmi Mukherjee
Mr. Ashok Halder

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 597 days. It is further submitted there is inordinate delay in the trial. In spite of repeated dates being fixed for examination of the victim, she has not been produced in court.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor implicates the petitioner in the crime. His bail prayer was rejected earlier on merits. However, there is considerable delay in the trial to which the petitioner has not contributed. In spite of number of dates being fixed, victim has not been examined. 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.

Therefore, the accused/petitioner, namely ***William Hembram @ Uiliiam Hemram***, 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, 2nd Court, Paschim Medinipur 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.

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.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)