

24.01.2024

Item No.8

Ct.No.34

dc.

Allowed

C.R.M. (SB) 11 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dasnagar Police Station Case No. 121 of 2022 dated 07.10.2022 under Section 12 of the POCSO Act, 2012.

And

In Re : **Ashoke Jaiswal**

... Petitioner.

Mr. Sandip Chakraborty,
Mr. Kaustav Das

... For the Petitioner.

Mr. Santanu Deb Roy

... For the State.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner was arrested on 07.10.2022 and since then he is in custody. Learned advocate draws the attention of the Court to the fact that from 29.03.2023 till date, the evidence of the victim girl has not progressed. The observation of the learned court reflects in the order dated 29.03.2023 that efforts are being taken by the police authorities to trace out the victim girl for the purposes of evidence. The petitioner has applied for renewal of bail as earlier rejection was on 21.12.2022. The learned advocate submits that on any stringent condition, the petitioner may be released on bail as there has been no progress in the trial.

Mr. Deb Roy, learned advocate appearing for the State opposes the prayer for bail and draws the attention of the

Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as well as the allegations made in the FIR along with the statement of the witnesses relied upon by the prosecution in the charge-sheet.

I have considered the submissions advanced on behalf of both the parties. having regard to the fact that the petitioner is in custody for about more than one year three months, I am of the view that as evidence has not commenced in this case, the petitioner should be released on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Ashoke Jaiswal** shall be released on bail upon furnishing 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 (POCSO) Court, Howrah/the learned Chief Judicial Magistrate, Howrah.

In case, the petitioner is on bail, the petitioner shall for a period of three months meet with the Inspector-in-Charge, Dasnagar Police Station once in a fortnight. However, till further order of this Court, the petitioner shall be physically present before the learned trial court on the dates so fixed for evidence.

The application for bail, being CRM (SB) 11 of 2024, is, thus, disposed of.

Case diary be returned to the learned advocate appearing for the State.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)