

25.01.2024
Serial no. 2
[G.S.D]

CRM (SB) 14 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Spl.T.R. No. 105 of 2022 arising out of A.J.C. Bose B Garden P.S. Case No. 131 of 2022 dated 01.08.2022.**

-And-

In the matter of : Bali Charan Kundu

... .. Petitioner

Mr. S. B. Roy Chowdhuri

... .. For the Petitioner

Ms. Faria Hossain
Ms. Jonaki Saha

... ..*For the State*

Ld. advocate for the petitioner submits that the petitioner is in custody for about 543 days and out of the nine witnesses proposed to be examined by the prosecution, only three witnesses have been examined. The petitioner prays that on any stringent condition the petitioner should be released on bail.

Ld. advocate for the State produces the case diary as well as the deposition of the victim.

I have considered the materials available against the petitioner. Although, prima facie, a case has been made out but having regard to the fact that there is no possibility of the trial being completed very soon and also the fact that

the petitioner is in custody for 543 days, I am inclined to release the petitioner on bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Bali Charan Kundu 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 Ld. Special Court, POCSO, Howrah or Ld. CJM/Howrah. The local surety in this case will be the property of a person within the jurisdiction of the District of Howrah. The Id. court on being satisfied with the local surety will release the petitioner on bail

If on bail, the petitioner shall meet with the officer deputed by the inspector in charge/officer in charge of A.J.C. Bose B Garden P.S. once in every ten days for a period of six months. The petitioner shall be physically present on each and every date so fixed by the Id. trial court until further orders of this court.

The case diary be returned to the Id. advocate for the State.

Accordingly, CRM(SB) No. 14 of 2024 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)