

12.03.2024

24

Saswata

Allowed

C.R.M. (DB) No. 217 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 551 of 2022 dated 30.11.2022 under Sections 376/511/506 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

And

In Re : **Mafikul Sk.**

..... petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

.....for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. S.D.Roy

.....for the State

1. Report is placed on record.
2. Charges could not have been framed, as the Trial Court is lying vacant.
3. Petitioner is in custody for more than a year.
4. Keeping in mind the period of detention suffered by the petitioner and as there is no progress in the matter since rejection of the bail prayer since July 2023, we are of the opinion further detention is not necessary and he may be released on bail.
6. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act

Berhampore, Murshidabad on further condition that petitioner shall remain within the jurisdiction of Hariharpara Police Station and shall report to the Officer-in-Charge of Hariharpara police station once in a week until further orders. 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.

7. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)