

25.01.2024.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 225 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bansdroni P.S. Case No.100 of 2017 dated 01.10.2017 under Sections 376D/376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Sarbajit Sarkar @ Ramu.**

.... Petitioner.

Mr. Deepak Prahladka,
Mr. Sarfaraz Hossain,
Ms. Reshmi Khatun.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Ms. Pritha Pal.

...for the State.

1. Petitioner is in custody for more than six years. It is submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner was involved in trafficking of women for sexual exploitation.
3. We have considered the materials on record. Delay in the matter was due to non-availability of the victim. It cannot be attributed to the petitioner. Victim has already been examined. Co-accused is on bail.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, the petitioner viz., **Sarbajit Sarkar @ Ramu** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Additional Sessions Judge, 2nd

Court, Alipore, South 24-Paraganas subject to condition that he 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.

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

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)