

06.02.2024
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allowed

CRM(DB) No. 363 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 341 of 2021 dated 14.08.2021 under Sections 363/366/376(2)(n)/376(3)/34 of the Indian Penal Code adding Section 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act.

And

In Re : Sk. Golam Mahammad @ Lalu petitioner

Mr. Navanil De
Mr. Subhrajit Dey
Ms. Monami Mukherjee

....for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

.... for the State

Mr. Surojit Saha

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is slow progress in the matter since rejection of bail by this Court. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is a married person. He cohabited with the minor victim on the false promise of marriage.

3. We have considered the materials on record. Bail prayer was rejected earlier on merits in January, 2023. After rejection of his bail prayer by this Court there is little progress in the trial. Petitioner has suffered detention for a protracted period

of time. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Tamluk, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)