

19.02.2024.
65.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 498 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah Women P.S. Case No.26 of 2017 dated 23.05.2017 under Sections 363/363A/370A of the Indian Penal Code and Sections 8/12 of the POCSO Act and Sections 76/84 of the Juvenile Justice Act.

In the matter of : **Ainur Sk @ Raja.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Akash Sarkar,
Mr. Arindam Poali.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Shiladitya Banerjee.

...for the State.

1. Petitioner is in custody for more than six years. He submits vulnerable witnesses have been examined and co-accused is on bail. He renews his prayer for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. Co-accused is on bail.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Ainur Sk @ Raja** 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 Judge, Special Court under the

POCSO Act, Howrah 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 the 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)