

08.03.2024.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 644 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia P.S. Case No.158 of 2023 dated 31.05.2023 under Sections 498A/304B/306/34 of the Indian Penal Code and adding Section 6 of the POCSO Act and Sections 9/10/11 of the Prohibition of Child Marriage Act.

In the matter of : **Liton Shaikh @ Litn Shaikh.**

.... Petitioner.

Mr. Arindam Jana,
Mr. Ashraf Mondal,
Mr. Arhan Sengupta,
Mr. Partha Pratim Sinha.

...for the Petitioner.

Mr. Angshuman Chakraborty.

...for the State.

1. Petitioner is in custody for 275 days. He submits there is no progress in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer and submits report. The same be kept on record.
3. We have considered the materials on record. Petitioner is the husband of the minor wife. Bail prayer of the petitioner was rejected on merits earlier in September, 2023. Since then charge has not been framed. There is unnecessary delay in the matter. Petitioner is not responsible for the delay. There is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Liton Shaikh @ Litn Shaikh** 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, Tehatta, Nadia 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)