

22.03.2024.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 623 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla P.S. Case No.116 of 2019 dated 11.05.2019 under Sections 376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Bapan Sardar.**

.... Petitioner.

Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Mr. Iqbal Kabir.

...for the State.

1. Petitioner is in custody for more than four years and ten months. He submits there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report.
3. In spite of service of notice, nobody appears for the victim.
4. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Vulnerable witness has been examined. In spite of opportunity prosecution failed to bring witnesses.
5. In the light of the aforesaid, we are of the opinion continued detention of the petitioner would infract the fundamental right to speedy trial and he is entitled to bail.
6. Accordingly, the petitioner viz., **Bapan Sardar** 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)