

02.04.2024
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 784 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Englishbazar Police Station Case No.487 of 2022 dated 27.03.2022 under Section 6 of the POCSO Act.

And

In Re: **Sk. Raihan @ Habbu @ Raihan Haque**
... .. Petitioner

Mrs. Sujata Das
... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Asraf Mandal
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 736 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record. Vulnerable witness i.e. the victim has already been examined. There is little possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sk. Raihan @ Habbu @ Raihan Haque**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 2nd Court, Malda subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)