

02.04.2024
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 789 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.03.2024 in connection with Hanskhali Police Station Case No.813 of 2023 dated 15.10.2023 under Sections 376(2)(f)/376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Sudhir Kumar Biswas @ Sudhir Biswas**
... .. Petitioner

Mr. Gopal Chanda Mandal
... .. for the petitioner

Mr. Anand Farmania
... for the de-facto complainant/victim

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Dattatreya Dutta
... .. for the State

1. It is submitted on behalf of the petitioner that he is an octogenarian. It is further submitted petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim has been examined.
3. Learned Advocate for the victim also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner is an octogenarian. Vulnerable witness i.e. the victim has already been examined. Under such circumstances particularly in view of the age of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sudhir Kumar Biswas @ Sudhir Biswas**, 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, Ranaghat, Nadia 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.)