

03.04.2024
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allowed

CRM (DB) No. 882 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 740 of 2019 dated 02.10.2019 under Sections 448/376AB of the Indian Penal Code and under Section 6 of the POCSO Act and subsequently charge-sheeted under Sections 376/450 of the Indian Penal Code and under Section 6 of the POCSO Act.

In Re : Alamin Mallick
And
..... petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
....for the petitioner

Ms. Amita Gaur
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for four years. It is also submitted vulnerable witness has been examined. He prays for bail.

2. Learned Counsel for the State submits report.

3. From the report it appears six out of fourteen witnesses have been examined. Accordingly, we are of the opinion there is little possibility of trial concluding in the near future. Petitioner has suffered incarceration for more than four years. Vulnerable witness has already been examined. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 POCSO Act, Barasat, North 24 Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)