

01.05.2024.
41.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1352 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara P.S. Case No.30 of 2022 dated 16.01.2022 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Prosanjit Biswas @ Prasenjit Biswas.**
.... Petitioner.

Mr. Sandip Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaustav Das.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. M. F. A. Begg.

...for the State.

1. Petitioner is in custody or more than two years and three months. He submits vulnerable witnesses i.e. minor victim and her mother have been examined. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Vulnerable witnesses have already been examined. Credibility of the witnesses may be assessed in the light of attending circumstances during trial. There is no chance of abscondence and winning over witnesses.
4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Prosanjit Biswas @ Prasenjit Biswas** 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Palashipara Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and meet the Officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders

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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)