

16.08.2024
Item no.16.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2085 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 160 of 2018 dated 24.05.2018 under Sections 376(2)(i) of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Sanjay Biswas @ Sanjoy Biswas.

.....Petitioner.

Mr. Ramasish Mukherjee,for the Petitioner.

Ms. Sonali Das,
Ms. Sreetama Das,for the State.

Mr. Soham Banerjee, ..for the de facto complainant.

Dictated by Partha Sarathi Sen, J.

1. Report filed on behalf of the State regarding service on the de facto complainant, be kept with the records.
2. Learned advocate for the petitioner submits before this Court that the victim and the other vulnerable witnesses have been examined by the learned Trial Court long back. It is further submitted that the present accused petitioner is languishing in jail custody for more than 6 years. Learned advocate for the petitioner thus prays for bail.

3. Learned advocate for the State, though opposes the prayer for bail, but she admits that vulnerable witnesses have been examined.
4. We find no reason to keep the present accused petitioner in further detention, especially, when the period of detention of the present accused petitioner is excessively long and the vulnerable witnesses have already been examined.
5. Accordingly, the prayer for bail is allowed.
6. Accordingly, we direct that the petitioner, namely **Sanjay Biswas @ Sanjoy 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 POCSO Act), Ranaghat at Nadia on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioner's bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)