

25.
16-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2229 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Joypur Police Station Case No.180 of 2022 dated 08-12-2022 under Section 376(3) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Sambhu Maity

.... Petitioner.

Ms. Aiswarya Gupta,
Mr. Kuntal Ray

... For the Petitioner.

Mr. Iqbal Kabir,
Mr. Bikram Mitra

... For the State.

Dictated by Partha Sarathi Sen, J.

While moving this bail application, learned advocate for the petitioner placed her reliance upon the evidence recorded by the learned trial Court so far. It is submitted that all the vulnerable witnesses have been examined and thus, the present application may be considered favourably.

Prayer for bail is opposed by learned advocate for the State.

We have perused the evidence adduced by the PW1, PW2 and PW3, being the victim girl and her parents. We *prima facie* find incriminating material against the present petitioner. However, considering the fact that the present accused petitioner is languishing in jail since December 08, 2022, we are inclined to take a lenient view, especially when we notice that the progress of the trial is very slow and as on this date, out of 21 charge sheet named witnesses, only 3 have been examined. The prayer of the petitioner for bail, is, thus allowed.

Accordingly, we direct that the petitioner, namely, **Sambhu Maity**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Judge, Special Court under POCSO Act-cum-Additional Sessions Judge (Special Court), 1st Court, Uluberia, Howrah. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2229 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)