

5.
30-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2499 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hanskhali Police Station Case No.327 of 2022 dated 10-04-2022 under Sections 376(D)/302/201/34 of the Indian Penal Code and under Section 6 of the POCSO Act.

- A n d -

In the matter of : Pijush Kanti Bhakta

.... Petitioner.

Mr. Arindam Jana,
Mr. Asraf Mondal,
Mr. Md. Bani Israil

... For the Petitioner.

Mr.Amajit De, Special PP, CBI

... For CBI.

Dictated by Apurba Sinha Ray, J.

Learned advocate for the petitioner has submitted that the petitioner is in custody for about two years four months. Out of 75 witnesses, 18 witnesses have been examined so far. It is submitted that apart from criminal intimidation, there is nothing on record against the present petitioner. He may be granted bail on any condition.

Learned advocate for CBI opposes the prayer for bail. According to him, there is sufficient incriminating material against the present petitioner. However, he fairly admits that charge was framed against the petitioner only under Sections 506/120B/34 of the Indian Penal Code.

We have considered the material on record and found that out of 75 witnesses, only 18 witnesses have been examined and there is no chance of an early conclusion of trial. Furthermore, the charge against the present petitioner

has been framed under Sections 506/120B/34 of the Indian Penal Code. Considering the long incarceration of the petitioner and also the fact that there is no chance of an early conclusion of the trial, we are inclined to allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Pijush Kanti Bhakta**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District & Sessions Judge cum Judge, Special Court under POCSO Act, Ranaghat, Nadia. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the district of Nadia except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform, through his learned advocate, the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Hanskhali Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week, 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) 2499 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)