

11.09.2024
Ct. No. 06
SL No. 59
S.De

C.R.M. (DB) 2669 of 2024

In Re: - In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hanskhali P.S. Case No. 536 of 2023 dated 26.06.2023** under **Sections 363/365/354B/34 of the Indian Penal Code** and under **Sections 8/12 of the** Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Saheb Biswas**.

Mr. Santanu Talukdar,
Mr. Subir Debanth,
Mr. Manojit Debnath, ...for the Petitioner.

Ms. Faria Hossain,
Mr. Ivan Roy,for the State.

1. Petitioner submits that co-accused has been enlarged on bail. He stands on the same footing with co-accused. He prays for bail.
2. Learned advocate for the State produces the case diary including evidence of the victim. Victim alleged she had been forcibly taken into a vehicle and sexually abused. However, co-accused who is said to be a party to the crime is presently on bail. Vulnerable witness, that is, the victim has already been examined.
3. Under such circumstances, we are inclined to extend the same privilege of bail to the petitioner on parity.
4. Accordingly, we direct the petitioners viz. **Saheb 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 POSCO Act), Ranaghat, Nadia subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)