

05.11.2024
Ct. No. 28
SL No. 83
SB

C.R.M. (DB) 3186 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S., 2023 in connection with **Beldanga** P.S. Case No. 461 of 2023 dated 17.6.2023 under Sections 376(AB) of the Indian Penal Code and Section 6 of POCSO Act.

And

In the matter of: Sabkat Ali

Mr. Anisur Rahman ...for the Petitioner

Mr. Sudip Kumar
Mr. S. Naazfor the State

Mr. Sujoy Sarkar
Ms. S. Srivastava .. for the de facto complainant

1. Petitioner contends vital witnesses have been declared hostile.

Accordingly, he prays for bail.

2. Learned counsel for the State opposes the prayer for bail.

3. Learned counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. Petitioner is in custody for about 255 days. Vital witnesses have not supported the prosecution case.

5. In view of the aforesaid development, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct the petitioner 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, Murshidabad, Berhampore subject to 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.

7. 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.

8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)