

10.01.2024
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3874 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with Bansdroni Police Station Case No.100 of 2017 dated 01.10.2017 under Sections 376D/376(I)(f)(I) of the Indian Penal Code and Sections 6/10 of the POCSO Act.

And

In Re: **Sanjoy Ghosh @ Babusona**

... .. Petitioner

Mr. Deepak Prahladka
Mr. Sarfaraz Hossain
Ms. Reshmi Khatun

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was involved in sexual exploitation of the victim.
3. We have considered the materials on record. Though allegations are grave, we note petitioner is in custody for more than six years. Delay in the matter was due to non-availability of the victim and cannot be attributed to the petitioner. Victim has already been examined. In view of the aforesaid facts and the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Sanjoy Ghosh @ Babusona**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two registered sureties of like amount each, to the satisfaction of the learned

Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, 2nd Court, Alipore, South 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)