

22.01.2024.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4115 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal P.S. Case No.264 of 2022 dated 22.09.2022 under Sections 376(2)(f)/376(2)(n)/376AB/376(3) of the Indian Penal Code read with Section 6(1) of the POCSO Act.

In the matter of : **Mimon Jana.**

.... Petitioner.

Mr. Abhijit Ganguly,
Mr. Shiladitya Banerjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

1. Petitioner contends he is in custody for 16 months. Minor victim has been examined. There was free mixing between them. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record including the evidence of the victim. From her evidence, it appears that petitioner and victim had cohabited on a number of times. Finally, she disclose the incident to her mother. Though there is allegation that petitioner had threatened to upload objectionable pictures, no evidence in support of such accusation was collected during investigation.
4. Keeping in mind the aforesaid facts and as vulnerable witness has already been examined and there is no possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Mimon Jana** 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 the POCSO Act, Chandernagore, Hooghly subject to condition that he 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.

6. 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 in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)