

22.02.2024
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allowed

CRM (DB) No. 4449 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 56 of 2019 dated 01.03.2019 under Sections 363/365/376(2)(ii) of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re : Sukanta Mondal petitioner

Mr. Bapin Baidya

....for the petitioner

Mr. Debasish Roy, learned PP

Ms. Sonali Das

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. He prays for bail on the ground of delay in trial.

2. Learned Public Prosecutor opposes the prayer for bail and submits vulnerable witnesses have been examined.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Vulnerable witnesses have been examined. Twelve more witnesses are yet to be examined. There is little possibility of trial concluding in the near future. Accordingly, we are inclined to grant bail to him.

4. Accordingly, we direct that 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-cum-Additional Sessions Judge, First Court, Kakdwip, South 24 Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)