

16.02.2024

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Allowed

C.R.M. (DB) No. 10 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ramnagar Police Station Case No. 395 of 2016 dated 22.12.2016 under Sections 354/354B of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Sk. Khursed @ Tolo @ Sk. Khurset petitioner

Mr. Aniket Mitra
Sk. Sahjahan

.....for the petitioner

Mr. Arindam Jana
Md. Sabbir Biswas

.....for the defacto complainant

Mr. Binoy Panda
Ms. Sima Biswas

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted vulnerable witnesses have already been examined. In support of his plea he submits supplementary affidavit containing orders of the trial court. On such score, he prays for bail.

2. Learned Counsel for the de facto complainant submits petitioner may intimidate the victim if released on bail.

3. Learned Counsel for the State opposes the prayer for bail.

4. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Vulnerable witnesses have already been examined. Thereafter

no witness has been examined for about a year. Under such circumstances, further detention of the petitioner would tantamount to breach of his fundamental right to speedy trial. In this backdrop after taking into consideration concern expressed by the de facto complainant we direct the petitioner shall be released on bail subject to strict conditions.

5. 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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur, on further condition that petitioner while on bail shall not enter the Ramnagar Police Station and shall provide address where he shall presently reside to the investigating officer and learned court below and he shall report to the Officer-in-Charge of the concerned police station once in a week until further orders. 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.

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. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

