

24.02.2025

DL-163

Court No.26

(*Bail allowed*)

(AD)

CRM (DB) 4111 of 2024

In re : An application for **Bail** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 in connection with SPL TR Case No.131 of 2019 arising out of **Dasnagar** Police Station Case No.**182** of **2019** dated **18.11.2019** under Sections **376AB** of the Indian Penal Code, 1860 and Section **6** of the POCSO Act.

-And-

In the matter of : Sk. Kamal Ali @ Mondal

... .. Petitioner

Md. Ashraf Ali, Advocate

Mr. Sankar Banerjee, Advocate

...for the petitioner

Mr. Prasun Kumar Dutta, Ld. APP

Mr. Bikram Mitra, Advocate

...for the State

1. Coordinate Bench required the State to produce the depositions of the witnesses by the order dated January 30, 2025.
2. State produces such depositions.
3. Petitioner is in custody in excess of five years two months.
4. Trial is in progress.
5. Vulnerable witnesses deposed at the trial.
6. Petitioner stands implicated in penetrative sexual assault of a minor below the age of twelve years.
7. Child witness did not identify the petitioner at the trial.
One of the parents identified the petitioner as the perpetrator of the crime.
8. Out of 19 prosecution witnesses, 10 were examined.

9. Considering the period of detention of the petitioner purely on the principle of Article 21 of the Constitution of India, we grant bail to the petitioner.
10. Accordingly, we direct that the petitioner, namely, **Sk. Kamal Ali @ Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Judge, Special (POCSO) Court, Howrah**, subject to conditions that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
11. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
12. Accordingly, the prayer for bail of the petitioner is **allowed**.
13. **CRM (DB) 4111 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)