

175 22.11.2019
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C.R.M. 10906 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 21.11.2019 in connection with Alipurduar Women P.S. Case No. 18 of 2018 dated 17.04.2018 under section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Goutam Debnath @ Babai

Mr. Arnab Saha,
Mr. Abhimanyu Bannerjee

... ... for the petitioner

Ms. Z.N. Khan,
Ms. Amita Gaur

... ... for the State

It is submitted on behalf of the petitioner that the victim has not supported the prosecution case nor has she identified the petitioner.

Learned counsel appearing for the State opposes the prayer for bail and submits that trial is in progress.

Having considered the materials on record particularly the evidence of the victim girl and in view of the period of detention suffered by the petitioner, that is 263 days, we are inclined to grant bail to the petitioner.

Accordingly, 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, Alipurduar, Jalpaiguri subject to the condition that the

petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel their his in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)