

C. R. M. 5672 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Sankrail Police Station Case No. 1108 of 2020 dated 20.11.2020 under Section 498A/315/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Pradip Dhank**

... .. Petitioner

Mr. Soumajit Das Mahapatra

Mr. Soumya Basu Roy Chowdhuri

... .. for the petitioner

Mr. MD. Kutub Uddin

... .. for the State

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for about 250 days. It is submitted that there is delay in lodging the first information report. He has been falsely implicated in the incident.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. The allegations of forcible abortion requires to be assessed in the light of the materials on record, particularly medical evidence during trial the period of detention suffered by the petitioner and as investigation is complete particularly the delay in lodging the first information report, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner 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 Court under POCSO Act,

Howrah, subject to condition that the 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 or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)