

10.12.2021.
146.
as
(Allowed)

C.R.M. 8199 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi P.S. Case No.496 of 2021 dated 20.09.2021 under Sections 376/114 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Sadikul Sk.

... Petitioners.

Mr. Kumar Jyoti Tewari,
Mr. Manas Kr. Das,
Ms. Rajlakshmi Ghatak.

...for the Petitioners.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Aniket Mitra.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that the victim is a married lady and the allegations patently absurd. There is prior enmity between the petitioner and the family of the victim.

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

We have considered the materials on record in the light of the submissions made on behalf of the petitioner. In the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined in granting bail to him.

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, Kandi, Murshidabad 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.

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

The application, being C.R.M.8199 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)