

31.01.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(DB) 113 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **540** of **2021** dated **23.10.2021** under Section 376 of the Indian Penal Code, 1860 and Section 4 of the POCSO Act.

And

In Re : Prasanna Ghosh alias Prosonno Ghosh
..... petitioner

Mr. Kushal Kumar Mukherjee
.....for the petitioner

Mr. Ashok Das
....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure (Cr. P. C.), the medical report and to the 161 Cr.P.C. statement of the mother of the victim.

In the 164 Cr.P.C. statement, the victim claims that she was rescued by a people of her household and that her uncle caught hold of the culprit. In the 161 Cr.P.C. The mother of the victim states that her husband, i.e. the father of the victim accosted the culprit. Medical report does not disclose any

injury being suffered by the victim and prima facie does not seem to corroborate the claim of the victim.

Considering the materials in the case diary as noted above and considering the medical report of the victim, we grant bail to the petitioner.

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 Judge, Special Court under POCSO Act, Krishnagar, Nadia**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)