

60 01.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 886 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special POCSO Case No.33 of 2021** arising out of **Harwood Point Costal** P.S. Case No. **205 of 2021** dated **01/07/2021** under Sections **323/325/354B/308/506/34** of the Indian Penal Code, and under Section **12** of the POCSO Act, 2012 corresponding to Special POCSO Case No.33 of 2021.

And

In the matter of: Pacha Gazi & Ors.

....petitioners.

Mr. Gouranga Kumar Das

...for the petitioners.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that the other co-accuseds similarly situated were granted anticipatory bail by the order dated November 11, 2021 in CRM 6583 of 2021.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

It appears from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure that the petitioners along with Nashima Bibi were involved in assaulting her. The injuries suffered by the victim are simple in nature.

Considering the period of detention of the petitioners and considering the fact that the police submitted charge sheet and considering the fact that other co-accuseds who were standing on the same footing as that of the petitioners were granted anticipatory bail, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special under POCSO Act, Kakdwip, South 24 Parganas, subject to the condition that during bail the petitioners shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 886 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)