

29.06.2022
cm/ct 28
sl. no. 35

C.R.M. (DB) 1329 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shyampur P.S. Case No. 134 of 2021 dated 27.03.2021 under Sections 363/365 of Indian Penal Code culminating into charge sheet by amending Sections 323/506 of Indian Penal Code read with Section 8 & 12 POCSO Act.

Allowed

In Re : Nitai Mainan

..... petitioner

Ms. Devi Priya Mitra

..... for the petitioner

Md. Anwar Hossain
Ms. Manisha Sharma

..... for the State

Mr. Debasish Kundu

.... for the De-facto complainant

Report is placed on record. Victim girl is also before us.

It appears from the report that the victim had been handed over to the custody of her maternal uncle, Uttam Senapati. Thereafter, she has been admitted to school and is presently residing in the house of her maternal aunt, Shefali Senapati.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to enlarge him on bail.

Accordingly, the petitioner 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, Uluberia, Howrah on 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 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.

Investigating Officer is present and his appearance is noted and dispensed with.

The application being CRM(DB) No. 1329 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)