

17.06.2022
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 1517 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2022 in connection with Habra Police Station Case No. 666 of 2021 dated 20.09.2021 under Sections 376(3)/376(2)(f) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Raju Mali***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharyya
... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari
... .. for the State

We are informed victim has been notified.

It is submitted on behalf of the petitioner that he is in custody for about 272 days. It is further submitted there was a scuffle between the parties.

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

We have considered the materials on record including the statement of the victim girl. Allegation of penetrative sexual intercourse is not supported by medical evidence. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Raju Mali***, 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 the POCSO Act, Barasat, North 24-Parganas subject to condition

that the said 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 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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)