

14.06.2022
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allowed

CRM (DB) 1667 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burdwan Police Station Case No. 217 of 2022 dated 02.03.2022 under Sections 147/149/447/323/305/354/506/509/313/376(2)(n) of the Indian Penal Code and Sections 6/8/12 of the POCSO Act.
And

In Re : Tahamina Bibi @ Tasmina Bibi & Ors. petitioners

Mr. Uday Sankar Chatterjee
Mr. Santanu Maji
Ms. Trisha Rakshit

.....for the petitioners

Mr. Prasun Kumar Dutta, learned A.P.P.
Md. Kutubuddin
Mr. Santanu Deb Roy

..... for the State

Learned Counsel appearing for the petitioners submits that they have been falsely implicated in the instant case. They are in custody for about 100 days. Victim had a love affair with one Sk. Sohel and became pregnant. Out of depression she committed suicide. Co-accused has been granted anticipatory bail.

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

We have considered material on record. Keeping in mind the extent of complicity of the petitioners in the alleged crime and as co-accused i.e. Sk. Bashir Ahmed, who had been granted anticipatory bail and similarly circumstanced with the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioners shall 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 Court under POCSO Act, Purba Bardhaman, subject to the condition that the petitioners 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.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)