

17.06.2022
SL No 57
Saswata
Ct.28
(Allowed)

CRM (DB) 1832 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Habibpur** P.S. Case No. **6/2022** dated **04/01/2022** under Sections **498/302/34** of the **Indian Penal Code** and **Section 6** of **POCSO Act**.

And

In the matter of: **Rabinath Soren**

....Petitioner

Ms. Minoti Gomes

...for the Petitioner

Mr. Saibal Bapuli, APP

...for the State.

Petitioner is in custody for 163 days.

It is contended the victim has not supported the prosecution case.

Learned lawyer for the State produces case diary.

We have considered the materials on record including deposition of the victim, who has not supported the prosecution case.

In view of the aforesaid development and period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

The prayer for bail is, thus, allowed.

Let 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, Malda subject to the condition that he shall appear before the learned trial court regularly on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails 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 is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)