

28.07.2022.
50.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2493 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.257 of 2022 dated 09.04.2022 under Sections 342/323/506 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Rajesh Kumar Roy.

.... Petitioner.

Mr. M. Chatterjee,
Md. G. N. Imrohi,
Mr. Debapriya Majumder.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Ms. Debjani Dasgupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 86 days. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of circulating objectionable pictures through social media is not supported by electronic evidence.

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

Accordingly, the petitioner shall 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 the POCSO Act, Malda subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)