

10.08.2022
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allowed

CRM(DB) No. 2694 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur Police Station Case No. 159 of 2021 dated 15.08.2021 under Sections 448/354/354A/506 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Akshay Das petitioner

Mr. Prabir Majumder

.....for the petitioner

Mr. Debabrata Chatterjee, learned APP

Ms. Mousumi Sarkar

..... for the State

Petitioner renews his prayer for bail.

Learned Counsel for the petitioner submits there was quarrel between the petitioner and the family members which resulted in registration of the instant case.

Learned Counsel appearing for the State opposes prayer for bail and submits bail prayer of the petitioner was rejected earlier.

We have considered materials on record. Since rejection of bail by a co-ordinate Bench of this Court, victim and her mother have been examined. Mother of the victim (PW 1) admitted there was quarrel between herself and the petitioner who is her own brother. Possibility of false implication of the petitioner on such score cannot be ruled out. Victim and her mother have already been examined.

As the vulnerable witnesses have already been examined and there is substantial change in circumstances since the rejection of bail by this Court, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall 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 Additional District and Sessions Judge, Ranaghat, Nadia, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)