

06.09.2022
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3005 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2022 in connection with Onda Police Station Case No.74 of 2022 dated 25.05.2022 under Sections 341/323/376A/376B/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Swapan Lohar***

... .. Petitioner

Mr. Soumik Ganguli

... .. for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 102 days. It is further submitted there is a dispute between the family of the petitioner and that of the victim. Over such issue, petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record including the statement of the minor victim. Her statement implicates the petitioner in an attempt to commit penetrative sexual assault. Keeping in mind the aforesaid fact in the light of the submission there is prior enmity between the parties and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Swapan Lohar***, 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, Bankura 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Onda Police Station except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)