

11.11.2022
Sl. No.12
akd
[ALLOWED]

C. R. M. (DB) 3491 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.09.2022 in connection with Gobardhanpur Coastal Police Station Case No. 23 dated 08.05.2022 under Section 376(3) of the Indian Penal Code and Section 4 of the POCSO Act and subsequently charge sheet filed under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re: ***Bholu Bhakta***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Partha Sarathi Mondal

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that the statement of the victim does not show that he had touched any private part of her body.

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

We have considered the materials on record. Statement of the victim shows the petitioner came and pressed the mouth of the victim at night. There is no progress in the matter since the rejection of bail by this court. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bholu Bhakta***, 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, Kakdwip, South 24-Parganas 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.

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.)