

07.11.2022
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allowed

CRM(DB) No. 3658 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 521 of 2021 dated 21.11.2021 under Sections 376(2)(n)/376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Ashok Adhikari petitioner

Mr. Aniket Mitra
Sk. Sahjahan

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. A. S. Chatterjee

..... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits deposition of the minor victim is exonerative in nature.

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

In view of the aforesaid development which goes to the root of the prosecution case, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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 POCSO Act, Baruipur, South 24 Parganas, subject to condition that the petitioner shall appear before the trial court on every date of

hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)