

31.10.2022.
43.
as
(Allowed)

C.R.M. (DB) 3777 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.102 of 2022 dated 22.02.2022 under Sections 363/365/34 of the Indian Penal Code.

In the matter of : Amrul Sk.

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for 174 days. It is contended he is not the principal accused.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Petitioner does not appear to be the principal accused. Keeping in mind the extent of complicity of the petitioner in the alleged crime 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,

Berhampore, Murshidabad 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.

The application for bail is, thus, disposed of.

(Partha Sarathi Sen,J.)

(Joymalya Bagchi, J.)