

03.11.2022
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allowed

CRM(DB) No. 3854 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah Police Station Case No. 327 of 2019 dated 12.12.2019 under Sections 363/365 of the Indian Penal Code subsequently charge-sheeted under Sections 363/366/376/120B of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

And

In Re : Bijoy Ray @ Vijay Kumar Ray petitioner

Mr. Mrityunjoy Chatterjee
Mr. R. R. Kumar
Mr. Debapriya Majumder
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 63 days. It is also submitted that he is not the principal accused. There was a love affair between the principal accused and the victim.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim is a minor and was taken to Haryana and ravished.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as he is not the principal accused, we are inclined to grant bail to him.

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, Howrah, 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.)