

07.11.2022
tkm/ct 28
sl no. 71

C.R.M. (DB) 3875 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Arambagh Women P.S case no. 26 of 2022 dated 9.6.2022 under section 363 of the IPC adding section 376(2)(n) of the IPC read with section 6(1) of the POCSO Act
and

Allowed

In Re : Sk. Israfil @ Sk. Israil @ Apan petitioner

Mr. N S Ghosh
Ms. S Chatterjee

..... for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

..... for the State

Petitioner is in custody for 75 days. It is submitted on behalf of the petitioner that conflicting statements were made by the minor victim in the course of investigation. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Initially, minor made a statement before the magistrate which did not implicate the petitioner. Her subsequent statement, however, implicates him in the crime.

In view of the aforesaid dichotomy and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Arambagh, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 3875 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)