

23.11.2022
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allowed

CRM(DB) No. 4089 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 196 of 2022 dated 16.08.2022 under Section 354B of the Indian Penal Code and Section 12 of the POCSO Act.

And

In Re : Mahitosh Biswas petitioner

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

.....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 99 days. Investigation is complete. Petitioner renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim was a psychologically challenged girl.

We have considered the materials on record. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion though further detention is not necessary movement of the petitioner requires to be restricted in order to ensure safety of the victim.

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, Nadia, on further conditions that while on bail the petitioner shall not enter into the jurisdiction of Murutia Police Station until further orders except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Murutia Police Station once in a week until further orders. 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.)