

24.11.2022.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4118 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P. S. Case No.353 of 2022 dated 30.08.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Joy Basak & Anr.

.... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioners.

Mr. Debabrata Chatterjee,
Ms. Debjani Dasgupta,
Ms. Mousumi Sarkar.

...for the State.

Petitioners are in custody for 77 days. It is contended they are not the principal accuseds. They pray for bail.

Learned Advocate for the State opposes the prayer for bail. He submits investigation is in progress.

We have considered the materials on record. Petitioners are not the principal accuseds. Keeping in mind the extent of complicity of the petitioners in the crime, we are of the opinion further detention of the petitioners for progress of investigation is not necessary and they may be granted bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Malda subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)