

30.11.2022
43
sdas
allowed

CRM(DB) No. 4228 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 891 of 2022 dated 14.10.2022 under Sections 506/307/34 of the Indian Penal Code and Section 12/17 of the POCSO Act.

And

In Re : Biplab Das petitioner

Mr. Arup Kumar Bhowmick
.....for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 43 days. It is also submitted that he is not the principal accused. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

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, Malda, subject to condition that 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.)