

05.12.2022
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allowed

CRM(DB) No. 4260 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 259 of 2022 dated 04.08.2022 under Sections 376DA/511/506 of the Indian Penal Code read with Sections 6/18 of the POCSO Act.

And

In Re : Sumir Barman @ Samir Barman & Anr. petitioners

Mr. Kalidas Saha

.....for the petitioners

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

Learned Counsel appearing for the petitioners submits they are in custody for 122 days. It is also submitted that they have been falsely implicated in the instant case. There is delay in lodging F.I.R. Petitioners pray for bail.

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

We have considered the materials on record. There is considerable delay in lodging F.I.R. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioners and as investigation is complete, we are inclined to grant bail to them subject to strict conditions.

Accordingly, we direct that the petitioners viz. Sumir Barman @ Samir Barman and Soumen Barman @ Sumanta Barman 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 POCSO Act, Malda, on condition that while on bail the petitioners shall not enter into the jurisdiction of Habibpur Police Station until further orders except for the purpose of attending court proceeding and shall provide the address where they shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Habibpur Police Station once in a week until further orders. Petitioners 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 petitioners fail to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)