

16.12.2022.
16.
as
(Allowed)

C.R.M. (DB) 4336 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagatballavpur P. S. Case No.64 of 2017 dated 22.03.2017 under Sections 376(2)(f)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Nupur Karmakar.

.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Shamsheer Ansari.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Intimation to the victim was made. Report is placed on record.

Petitioner submits DNA examination shows grandfather of the victim had made her pregnant. He has been falsely implicated in the instant case.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. DNA examination exonerates the petitioner of the accusation of rape.

In view of the aforesaid materials on record, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Nupur Karmakar 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 the POCSO Act, Howrah subject to condition he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)