

12.12.2022
SI. No.40
akd
[ALLOWED]

C. R. M. (DB) 4349 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2022 in connection with Pathar Pratima Police Station Case No. 128 of 2022 dated 10.05.2022 under Sections 363/366 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Shambhu Paik***

... .. Petitioner

Mr. Niladir Sekhar Ghosh
Mr. Partha Sarathi Mondal

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two months. Investigation is complete.

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

We have considered the materials on record. Statement of the victim is exonerative in nature. Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Shambhu Paik***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District & Sessions Judge, 1st Court, Kakdwip, South 24-Parganas subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)