

21.12.2022
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allowed

CRM(DB) No. 4492 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 268 of 2021 dated 13.07.2021 under Sections 363/365 of the Indian Penal Code added Section 4 of the POCSO Act.

And
In Re : Shubhajit Das @ Bhanjan Das @ Suvojit Das petitioner

Mr. Amit Singh
.....for the petitioner

Mr. Atif Ahmed Siddiqui
..... for the State

Heard the learned Counsels appearing for the parties.

We have considered the materials on record. Statement of the victim girl is exonerative in nature. Under such circumstance and in view of period of detention suffered by the petitioner i.e. 109 days and as investigation is complete, we are inclined to grant bail to him.

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, Behrampur, Murshidabad, 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.)