

09.01.2023
Sl. No.26
CHC
[ALLOWED]

C. R. M. (DB) 24 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 2nd January, 2023 in connection with Ganga Sagar Costal Police Station Case No.65 of 2022 dated 08.06.2022 under Sections 363/365/376(2)(n) of the Indian Penal Code and under Section 6(1) of the Protection of Children from the Sexual Offences Act, 2012, arising out of Special POCSO case no.57 of 2022.

And

In Re: *Suman Halder @ Koushik*

... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Partha Sarathi Mondal

... .. for the petitioner

Ms. Zareen N. Khan,
Mr. Arup Sarkar

... .. for the State

In spite of notice, nobody appears for the victim.

Statement of the victim recorded under Section 164 of Cr.P.C. is exonerative in nature.

Under such circumstances, and in view of the period of detention suffered by the petitioner i.e. 132 days and as investigation is complete, we are inclined to grant bail to him.

Therefore, the petitioner 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 Special Court, POCSO, 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.)