

17.01.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 107 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Frezerganj Coastal Police Station Case No.123 of 2022 dated 16.10.2022 under Sections 363/365/376(3) of the Indian Penal Code and Section 4(2) of the POCSO Act.

And

In Re: ***Taraknath Kar @ Tarak Kar***

... .. Petitioner

Mr. Gouranga Kumar Das
Ms. Swati Mondal

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Jonaki Saha

... .. for the State

Affidavit-of-service filed in court today be kept with the record.

Inspite of service, victim is unrepresented.

It is submitted on behalf of the petitioner that he is in custody for about 116 days. Investigation is complete.

Learned Additional Public Prosecutor produces the case diary.

We have considered the statement of the victim. She states she has married the petitioner. In view of the aforesaid circumstances, 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 ***Taraknath Kar @ Tarak Kar***, 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.)