

19.01.2023.
21.
as
(Allowed)

C.R.M. (DB) 112 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari P. S. Case No.368 of 2022 dated 18.09.2022 under Section 376 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

In the matter of : Prakash Kumar Gond @ Prakash Gond.
.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Aditya Tiwari,
Mr. Priyom Biswas.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Mr. Tapas Kr. Dey,
Mr. Ashis Kr. Dutta.

...for the Opp. Party.

Petitioner is in custody for 123 days. There is delay in lodging the first information report. He contends petitioner and the survivor were acquainted with one another. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the survivor submits she was minor and had been forcibly ravished.

We have considered the materials on record. Parties were known to each other. There is delay in lodging the first information report. Reason ascribed for delay requires to be thrashed out during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Prakash Kumar Gond @ Prakash Gond 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 that 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.)