

17.01.2023.
35.
as
(Allowed)

C.R.M. (DB) 178 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ramnagar P. S. Case No.261 of 2018 dated 07.10.2018 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/366A/376/109/354/120B/34 of the Indian Penal Code read with Sections 6/8/17/21 of the POCSO Act read with Section 75 of Juvenile Justice (Care & Protection) Act.

In the matter of : Asit Giri.

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrato Roy.

...for the State.

Petitioner is in custody for 215 days. Investigation is complete. It is contended that the petitioner is a relation of the survivor. Survivor was tortured by her parents. She left with the petitioner. They have married and have a child. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits survivor was a minor at the time of incident.

We have considered the materials on record. Statement of the minor is exonerative so far as petitioner is concerned.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Asit Giri 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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur 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.)