

19.01.2023.
34.
as
(Allowed)

C.R.M. (DB) 229 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.657 of 2022 dated 25.08.2022 under Sections 363/376 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Khairul Dafadar.

.... Petitioner.

Mr. Kusal Kr. Mukherjee,
Mrs. Suchismita Dutta.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Affidavit of service is placed on record. Service is complete. Nobody appears for the victim.

It is contended petitioner is not the principal accused. He is in custody for 120 days. He prays for bail.

Learned Advocate for the State produces the case diary.

We have considered the materials on record including the statement of the minor survivor. It is alleged petitioner had accompanied the minor along with the principal accused to the latter's residence. The statement of the minor does not show the presence of the petitioner in the course of rape.

In view of the extent of complicity of the petitioner in the alleged crime, 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., Khairul Dafadar 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, Nadia at Krishnanagar 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.)