

17.02.2023
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allowed

CRM(DB) No. 261 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 460 of 2022 dated 03.12.2022 under Sections 363/365/34 of the Indian Penal Code and Section 06 of the POCSO Act.

And

In Re : Kanai Ghosh @ Prasenjit Ghosh petitioner

Mr. Biswajit Tiwari

.....for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Let affidavit-of-service filed in Court be kept on record.

Nobody appears for the victim.

Learned Counsel for the petitioner submits he is not the principal accused and did not misrepresent his religion to her.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the minor victim. Petitioner is not the principal accused who raped the victim. In view of the extent of complicity of the petitioner in the crime and other attending circumstances, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Malda, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall

not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)