

20.01.2023
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allowed

CRM(DB) No. 267 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 438 of 2022 dated 09.10.2022 under Sections 363/365/376/120B of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And
In Re : Sukumar Mondal @ Sukumar Mandal petitioner

Mr. Soumyajit Das Mahapatra
.....for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin
..... for the State

Learned Counsel for the petitioner submits he is in custody for 65 days. It is also submitted that he is the elder brother of the principal accused. He prays for bail.

Affidavit-of-service filed in Court be kept on record. Nobody appears for the survivor.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the survivor. Petitioner is not the principal accused. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

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 Judge, Special Court, Lalbagh, Murshidabad, subject to condition that 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.)