

01.02.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 301 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Margram P. S. Case No.159 of 2022 dated 16.08.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Rocky Sk. @ Nur Hasan Sk.
.... Petitioner.

Mr. Prosenjit Mukherjee,
Mr. Aslam Parvez.
...for the Petitioner.

Mr. Shiladitya Banerjee.
...for the State.

Petitioner is in custody for 165 days. He submits that the survivor did not subject herself for medical examination. He prays for bail.

Notice has been given to the survivor. Nobody appears for the survivor.

We have considered the materials on record. Statement of the victim is exonerative. She did not offer herself for medical examination.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Rocky Sk. @ Nur Hasan Sk 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, Birbhum at Rampurhat

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.)