

30.01.2023
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allowed

CRM(DB) No. 339 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harischandrapur Police Station Case No. 247 of 2022 dated 02.04.2022 under Sections 342/363/365/376D/324/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Noor Md. petitioner

Mr. Tapan Datta Gupta

Mr. Parvej Anam

.....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

..... for the State

We have considered the materials on record. Statement of the victim in Court is exonerative. Under such circumstances and in view of the period of detention suffered by the petitioner, 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 Special Court cum Additional Sessions Judge, Chanchal, Malda, 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.)