

16.02.2023.
35.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 356 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mayureswar Birbhum P. S. Case No.135 of 2022 dated 02.09.2022 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Nasiruddin Mallick.

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Golam Mohiuddin,
Md. Nazar Chowdhury,
Ms. Puja Mondal.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak.

...for the State.

Heard the learned Advocates for the parties.

Report is placed on record. Nobody appears for the victim.

We have considered the materials on record. Statement of the victim does not implicate the petitioner in the offence of penetrative sexual assault.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Nasiruddin Mallick 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, Rampurhat, Birbhum 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.)