

15.02.2023.
43.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 360 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.427 of 2022 dated 12.09.2022 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/376/323/506 of the Indian Penal Code read with Section 6(1) of POCSO Act.

In the matter of : Motiyar Jamadar.

.... Petitioner.

Mr. Soumik Ganguly,
Mr. Supriyo Shasmal.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Petitioner is in custody for 111 days. Investigation is complete. Co-accuseds are on bail. He prays for bail.

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

We have considered the materials on record including statement of the minor victim.

Keeping in mind the extent of complicity of the petitioner in the crime, period of detention suffered by him and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Motiyar Jamadar 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, Kakdwip, South 24-Paraganas 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.)