

03.02.2023.
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as
(Allowed)

C.R.M. (DB) 401 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak P. S. Case No.116 of 2022 dated 20.03.2022 under Sections 341/323/506/34 of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : Sk. Khachchoo @ Sk. Sachcho.
.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.
...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Ms. Sujata Das.
...for the State.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated. Survivor has been examined. He is in custody for more than 300 days. He prays for bail.

Affidavit of service filed in Court today be kept with the record. Nobody appears on behalf of the survivor.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is in custody for more than 300 days. Survivor has been examined.

Keeping in mind the aforesaid circumstances, period of detention suffered by the petitioner and as the vulnerable witness has already been examined, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, the petitioner viz., Sk. Khachchoo @ Sk. Sachcho 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, Malda 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Manikchak Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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.)