

02.02.2023
tkm/ct 28
sl no. 51

C.R.M. (DB) 410 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.563 of 2022 dated 30.9.2022 under sections 341/506/34 IPC and section 12 of the POCSO Act

Allowed In Re : Sk. Masidul @ Bittu and petitioner

Mr. A K Bhowmick
..... for the petitioner

Mr. Debabrata Chatterjee
Ms. Mousumi Sarkar
..... for the State

Petitioner is in custody for 67 days. It is submitted he has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim who is aged around 17 years.

Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Malda under POCSO Act, on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 410 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)