

06.02.2023.
32.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 444 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.259 of 2018 dated 25.05.2018 under Section 4 of the POCSO Act.

In the matter of : Mahadeb Singha @ Bhagaban Sarkar.
.... Petitioner.

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

Mr. Arijit Ganguly,
Mr. Avik Ghatak.
...for the State.

It is submitted on behalf of the petitioner there was a love affair between the parties and petitioner has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. There is delay in lodging the first information report. Allegation of forcible rape requires to be assessed in the light of the aforesaid delay and other attending circumstances during trial.

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

Accordingly, the petitioner viz., Mahadeb Singha @ Bhagaban Sarkar 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.

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.)