

01.03.2023

31
Ct. No. 29
CHC
Allowed

C.R.M.(DB) 473 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No.**5** of **2022** dated **05.01.2022** under Sections 363/366/376/506/34 of the Indian Penal Code and Section 4 of POCSO Act.

And

In the matter of: Asraful Khan

..... petitioner

Mrs. Karabi Roy

....for the petitioner

Mr. Iqbal Kabir

....for the State

Mr. Asraf Mandal

...for the de facto complainant

Investigating Officer is present in Court pursuant to order dated February 22, 2023.

Further appearance of the Investigating Officer is dispensed with.

Petitioner is aged about 22 years of age. He was in custody for 82 days.

Police filed chargesheet.

We considered the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Considering the materials in the case diary, the gravity of the offence and the complicity of the petitioner in the incident as well as period of detention and his age, we deem it appropriate to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The petitioner will not enter into the jurisdiction of the local police station, save and except for attending the learned trial court on all the dates specified for hearing.

Petitioner will inform the Officer-in-Charge of the local police station as well as the Officer-in-Charge of the police station under whose jurisdiction he resides.

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 the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)