

23.02.2023
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allowed

CRM(DB) No. 554 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur Police Station Case No. 16 of 2022 dated 17.01.2022 under Sections 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Prasanta Bose @ Prasanta Kumar petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

.....for the petitioner

Mr. P. K. Datta, learned APP

Mr. Prodipta Ganguli

..... for the State

Report is placed on record.

Nobody appears for the victim.

Heard the learned Counsels for the parties.

We have considered the materials on record. Vulnerable witness i.e. minor has already been examined. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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 District & Sessions Judge, Ranaghat, Nadia, subject to 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.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)