

10.02.2023.
38.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 560 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P. S. Case No.456 of 2020 dated 31.12.2020 under Section 6 of the POCSO Act.

In the matter of : Poddu Sk @ Hasanur Sk
@ Md. Hasanur Sk.

.... Petitioner.

Md. Wasim Akram.

...for the Petitioner.

Mr. Prasun Kr. Dutta, Id. A.P.P.,
Mr. Nirupam Dhali.

...for the State.

Mr. Amit Ranjan Pati,
Ms. Afreen Begum.

...for the Victim.

Petitioner is in custody for 770 days. He submits there is variation in the deposition of the victim before the Special Court and the Juvenile Board. He prays for bail.

Learned Advocate for the State produces the Case Diary.

Learned Advocate for the victim does not oppose the bail prayer.

We have considered the materials on record. Evidence of the victim before the trial court incriminates the petitioner but her deposition before the Juvenile Board is contradictory.

In view of the aforesaid fact and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner viz., Poddu Sk @ Hasanur Sk @ Md. Hasanur Sk. 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.)