

20.02.2023
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allowed

CRM(DB) No. 678 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 329 of 2022 dated 13.10.2022 under Sections 376/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Tapan Tudu petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. P. K. Datta, learned APP

Mr. Santanu Deb Roy

..... for the State

Let affidavit-of-service filed in Court be kept on record.

Nobody appears for the victim.

Learned Counsel for the petitioner submits he is in custody for 121 days. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor victim is exonerative. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Judge, Special Court under POCSO Act, Malda, 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.)