

13.03.2023
tkm/ct 28
sl no. 89

C.R.M. (DB) 705 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no. 1423 of 2022 dated 14.12.2022 under sections 417/376/323/34 of the IPC read with section 6 of the POCSO Act

and

Allowed

In Re : Md. Markesh Momin

..... petitioner

Mr. M Chatterjee

Mr. D Majumer

..... for the petitioner

Mr. Joydeep Roy

Ms. Sujata Das

..... for the State

Victim has been notified.

Nobody appears for the victim.

Petitioner is not the principal accused.

Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by the petitioner i.e 85 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Judge, 2nd Court, Special Judge under POCSO Act, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 705 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)