

23.02.2023
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allowed

CRM(DB) No. 706 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 522 of 2022 dated 13.11.2022 under Sections 143/448/427/325/506/509/354(c)/364/376 of the Indian Penal Code read with 6 of the POCSO Act.

And

In Re : Rana Ghosh petitioner

Ms. Minoti Gomes

Mr. Musharraf Alam Sk.

Ms. Susmita Ghorai

.....for the petitioner

Mr. Binay Panda

Mr. Subham Bhakat

..... for the State

Learned Counsel for the petitioner submits he is in custody for 100 days. Investigation is complete. It is also submitted that there was a love affair between the parties. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though in her statement it is stated she had been forcibly abducted statements of other witnesses as well as photographs collected in the course of investigation show an intimate relationship between them. In view of the aforesaid contradictory materials on record and as investigation is complete, 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, ADJ, 2nd Court, 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.)