

13.03.2023
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allowed

CRM(DB) No. 767 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 332 of 2020 dated 14.08.2020 under Sections 363/376DA of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Nirmal Mondal petitioner

Ms. Mallika Manna
Mr. Sumanta Das
.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Pradipta Ganguly
..... for the State

Mr. Siddhartha Sarkar
..... for the defacto complainant

Learned Counsel for the petitioner submits he is in custody for two years and six months. It is also submitted that he was not present at the place of occurrence.

Learned Counsel for the State opposes the bail prayer and submits motor cycle used by the miscreants was recovered from the residence of the petitioner.

We have considered the materials on record. Statement of the victim does not implicate the petitioner in the alleged offence. Keeping in mind the complicity of the petitioner and period of detention suffered by him, 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 Chief Judicial Magistrate, Tehatta, 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.)