

28.02.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(DB) 775 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhangor** Police Station Case No.162 of 2022 dated 20.03.2022 under Sections 363/365 of the Indian Penal Code and adding Section 06 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Samir Sk.

..... petitioner

Mr. Moyukh Mukherjee,

Mr. Abhijit Singh,

Mr. Shakti Halder

....for the petitioner

Mr. Binod Panda,

Ms. Puspita Saha

....for the State

None appears for the victim despite service.

Affidavit-of-service filed in Court be taken on record.

Apparently, the victim recorded her statement under Section 164 of the Criminal Procedure Code claiming that she went voluntarily with the petitioner and commenced living as husband and wife.

Considering the period of detention of the petitioner of 186 days and the statement of the victim recorded under Section 164 of the Criminal Procedure Code we 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, at Baruipur, South 24 Parganas, subject to the 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 any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)