

24.03.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 811 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balagarh P. S. Case No.93 of 2021 dated 18.04.2021 under Sections 376(2)(f)/376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Amitava Dutta.

.... Petitioner.

Mr. Kumar Jyoti Tewari,
Mr. Tarunjyoti Tewari,
Mr. Aniruddha Tewari.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Petitioner was not implicated in the first information report. In fact, he was the scribe of the complaint. Subsequently, during deposition she has implicated the petitioner.

Credibility of the stance of the victim may be assessed during trial. However, in the aforesaid factual matrix of the case, we do not find it justified to deny bail to the petitioner.

Accordingly, the petitioner Amitava Dutta 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 the POCSO Act, Hooghly at Chinsurah subject to condition that he shall appear before the trial court on every date of

hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)