

15.03.2023
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allowed

CRM(DB) No. 943 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 399 of 2022 dated 16.04.2022 under Sections 506/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Barik Sk. @ Kayesuddin Sk. petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata
..... for the State

Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh
..... for the defacto complainant

Learned Counsel for the petitioner submits he is in custody for more than ten months. It is also submitted deposition of the victim is exonerative.

Learned Counsel for the State produces the case diary.

Learned Counsel for the defacto complainant does not raise objection to grant of bail.

We have considered the materials on record. In view of the aforesaid circumstances, 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, Malda, subject to the condition that 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.)