

27.03.2023
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allowed

CRM(DB) No. 1112 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 71 of 2022 dated 24.02.2022 under Sections 363/365/368 of the Indian Penal Code and Section 6 of the POCSO Act and Section 9 of the Child Marriage Act.

And
In Re : Rajesh Mandal petitioner

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

Mr. Anwar Hossain
Mr. Arif Ekbal Molla
..... for the State

Heard the learned Counsels for the petitioner and the State.

Nobody appears for the minor victim.

We have considered the materials on record. We have also perused the evidence of the minor. She has not supported the prosecution case. Under such 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 conditions 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.)