

11.04.2023
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allowed

CRM(DB) No. 1182 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazol Police Station Case No. 470 of 2022 dated 17.06.2022 under Section 4 of the POCSO Act and subsequently charge-sheet submitted under Sections 341/506 of the Indian Penal Code read with Sections 4/12 of the POCSO Act.

And

In Re : Mobarak Hossain @Mubarak petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

....for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

.... for the State

Report is placed on record. Nobody appears for the minor victim.

We have examined the deposition of the minor victim. She did not support 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, Additional District Judge, 2nd Court, 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.)