

30.03.2023
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allowed

CRM(DB) No. 1241 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 247 of 2022 dated 02.04.2022 under Sections 342/363/365/376D/324/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Sk. Noman Ali petitioner

Mr. Asfak Ahammed

....for the petitioner

Mr. Shiladitya Banerjee

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Statement of the victim is exonerative in nature. Co-accuseds are on bail. Accordingly, petitioner is entitled to bail on parity.

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, Chanchal, 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.)