

24.04.2023
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allowed

CRM(DB) No. 1112 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kultali Police Station Case No. 59 of 2020 dated 03.02.2020 under Sections 363/365 of the Indian Penal Code adding Sections 366/376(3) of the Indian Penal Code and Section 6 of the POCSO Act and Sections 9/10/11 of the Prohibition of Children Marriage Act and subsequently charge-sheet submitted under Sections 363/365/366/376(3) of the Indian Penal Code and under Section 6 of the POCSO Act and under Sections 9/10/11 of the Prohibition of Children Marriage Act.

And

In Re : Shibram Pandit @ Shiba Ram Pandit petitioner

Mr. Samrat Das
Mr. Anjan Dutta
Mr. Ratan Sanpui

....for the petitioner

Mr. Prasun Kumar Datta, learned APP
.... for the State

Heard the learned Counsels for the parties.

Nobody appears for the victim.

We have considered the materials on record. Victim has been examined. 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, South 24-Parganas, He 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.)