

05.04.2023
tkm/ct 28
sl no. 50

C.R.M. (DB) 1362 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali PS case no. 976 of 2022 dated 8.10.2022 under sections 448/354/292/506/34 of the IPC and under section 6 of the POCSO Act

And

Allowed

In Re : Soumitra Biswas

..... petitioner

Ms. M Gomes

..... for the petitioner

Mr. T K Ghosh

Mr. Asraf Mondal

..... for the State

Petitioner is in custody for 174 days. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Affidavit of service is filed.

Nobody appears for the victim.

We have considered the materials on record including the statement of the victim girl. She submits there was a love affair between herself and the petitioner. Though mobile phone of the petitioner has been recovered, no forensic report with regard to obscene pictures allegedly stored in the phone is placed before us.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 1362 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)