

20.04.2023.
17
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1385 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.992 of 2022 dated 04.09.2022 under Sections 323/506/195A of the Indian Penal Code and Sections 4/17 of the POCSO Act.

In the matter of : Sourav Shikdar.

.... Petitioner.

Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Petitioner submits victim has not supported the prosecution case and has turned hostile. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Inspite of notice, victim is unrepresented.

Keeping in mind the aforesaid circumstances and period of detention suffered by the petitioner i.e. 226 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sourav Shikdar 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 the POCSO Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until

further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)