

05.07.2023
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allowed

CRM(DB) No. 1513 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal Police Station Case No. 140 of 2019 dated 09.06.2019 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Sri Biswajit Das petitioner

Mr. Niladri Sekhar Ghosh
Mr. Partha Sarathi Mondal
Mr. Sourav Mondal

....for the petitioner

Mr. Tanmoy Kumar Ghosh
Ms. Pritha Paul

.... for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. Victim has been examined in Court. She has not supported the prosecution case.

In view of the aforesaid development and period of detention suffered by the petitioner i.e. 3½ years, we are inclined to grant bail to him.

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, Kakdwip, South 24-Parganas, 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.)