

03.05.2023.
25.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1561 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali P. S. Case No.1249 of 2021 dated 28.12.2021 under Section 376DA of the Indian Penal Code and Sections 5g/6 of the POCSO Act.

In the matter of : Debasish Ghosh @ Deba.

.... Petitioner.

Mr. Prabir Majumder
Mr. S. Majumder.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for 491 days. He submits evidence of the victim is exonerative in nature. Inspite of notice, nobody appears for the minor victim.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. Minor has failed to identify the petitioner in Court.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Debasish Ghosh @ Deba 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, Nadia at Krishnagar 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.)