

03.05.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1565 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi P. S. Case No.115 of 2022 dated 12.04.2022 under Section 4 of the POCSO Act and charge sheet submitted under Section 6 of the POCSO Act.

In the matter of : Adel Khandekar @ Adil Khandakar @
Adel Khandakar.

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Tapodip Gupta,
Mr. Sourav Mondal.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Petitioner submits victim has already been examined. He renews his prayer for bail.

Learned Advocate for the State produces the Case Diary. Report is placed on record.

We have considered the materials on record. Victim is an eight year old boy. He has been examined. Though he admitted to have made statement before Magistrate, he did not identify the petitioner in Court.

In view of the aforesaid circumstance and the period of detention suffered by the petitioner i.e. 381 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Adel Khandekar @ Adil Khandakar @ Adel Khandakar 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, Berhampore, Murshidabad 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.)