

10.05.2023
tkm/ct 28
sl no. 45

C.R.M. (DB) 1667 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Harischandrapur PS case no. 239 of 2019 dated 2.5.2019 under sections 363/365 of the IPC read with section 6 of the POCSO Act

And

Allowed

In Re : Abdul Kadir @ Kader Hossain

..... petitioner

Ms. M Gomes

Mr. A Ahammed

..... for the petitioner

Mr. Swapan Banerjee

Mr. A S Chatterjee

..... for the State

Heard learned lawyers for the parties.

Report is placed on record.

Inspite of service nobody appears for the minor victim.

We have considered the materials on record. Statement of the minor victim in court is exonerative.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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 Judge, Special Court, Chanchal Malda 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) 1667 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)