

15.05.2023
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allowed

CRM(DB) No. 1746 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 347 of 2017 dated 28.07.2017 under Sections 363/365 of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Sk. Ajmir @ Ajmir Sekh petitioner

Mr. Sourav Chatterjee
Mr. Arup Sarkar
Mr. Sumya Nag
Ms. Sabnam Laskar
....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
.... for the State

Learned Counsel for the petitioner submits he is in custody for 196 days. It is also submitted he has been falsely implicated. Minor victim as well as her parents have not supported the prosecution case.

In spite of service nobody appears for the minor victim.

Learned Counsel for the State produces the Case Diary.

We have considered the materials on record. Minor victim as well as her parents have not supported the prosecution case. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Chanchal, Malda, 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.)