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allowed

CRM(DB) No. 1773 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women Police Station Case No. 124 of 2022 dated 17.09.2022 under Sections 498A/302/34 of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act.

And

In Re : Nabin @ Nobin Joardar @ Joarder ..... petitioner

Mr. S. K. Das

....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP

Mr. Partha Pratim Das

Mrs. Manasi Roy

.... for the State

Learned Counsel for the petitioner submits he is in custody for 224 days. Co-accused is on bail. He is the husband of the victim housewife. Other in-laws are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Medical report shows poison was not forcibly administered to the victim. Co-accused are on bail. There is no possibility of trial commencing in the near future. As the petitioner has permanent home and hearth, there is no possibility of his abscondence. Balancing the nature of accusation with the period of detention suffered by the petitioner, 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, Ranaghat, Nadia, 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.)**