

11.05.2023
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allowed

CRM(DB) No. 1845 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 377 of 2022 dated 07.05.2022 under Sections 363/365 of the Indian Penal Code and under Section 4 of the POCSO Act.

In Re : Rubel Sk. And
..... petitioner

Md. Wasim Akram
....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
.... for the State

Mr. Swakshar Kumar Mondal
.... for the victim

Learned Counsel for the petitioner prays for bail.

Learned Counsel for the minor victim does not oppose the bail prayer.

We have considered the materials on record. Minor has already been examined. She has 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, Additional District Judge, 2nd Court, 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.)