

10.05.2023.
58.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1849 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bamongola P. S. Case No.0079 of 2022 dated 22.03.2022 under Sections 10/4/18 of the POCSO Act and under Sections 376(3)/511 of the Indian Penal Code.

In the matter of : Balaram Mandal.

.... Petitioner.

Md. Wasim Akram,
Ms. Shefa Mondal.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Ms. Reshmi Khatun.

...for the de-facto complainant.

Petitioner is in custody for 383 days. It is submitted that the victim has not supported the prosecution case.

Learned Advocate for the State produces the Case Diary.

Learned Advocate for the de-facto complainant has not opposed the bail application.

We have considered the materials on record. Victim has not supported the prosecution case.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Balaram Mandal 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-cum-Additional District Judge, 2nd Court,

Malda 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.)