

11.05.2023
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allowed

CRM(DB) No. 1868 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pingla Police Station Case No. 51 of 2023 dated 03.02.2023 under Section 376(2)(n)(f)/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And
In Re : Kartick Mishra petitioner

Mr. Suman Das Adhikari
Ms. Oindrila Ghosh
.....for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan
.... for the State

Learned Counsel for the petitioner submits he is the father of the victim girl. It is also submitted victim girl had developed relationship with a boy. Petitioner had protested. In retaliation he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Brother of the minor girl contended that the petitioner i.e. their father had objected to a relationship between the minor girl and another boy. Though there are allegations that the minor was violated by the petitioner in the light of the aforesaid statement possibility of false implication cannot be ruled out. 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 Additional District and Sessions Judge, 2nd Court, Paschim Medinipur, 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.)