

19.05.2023.
30.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2039 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad P. S. Case No.30 of 2022 dated 03.02.2022 under Sections 363/366/376(1) of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Sakline @ Sakhlain Mia @ Sakhlain Miya
@ Saklina Mia.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Jisan Iqbal Hossain,
Ms. Poulami Bose,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak.

...for the State.

Mr. Karnel Mondal.

...for the de-facto complainant.

Petitioner prays for bail. He submits victim has not supported the prosecution case.

Learned Advocate for the State opposes the bail prayer. .

We have considered the materials on record. Statement of the victim is exonerative in nature. Her mother has also not supported the prosecution case.

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

Accordingly, the petitioner viz., Sakline @ Sakhlain Mia @ Sakhlain Miya @ Saklina Mia 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,

Berhampore, Murshidabad 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.)