

08.06.2023  
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allowed

CRM(DB) No. 2146 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 228 of 2020 dated 15.08.2020 under Sections 363/365 of the Indian Penal Code and Section 6 of POCSO Act.

And

In Re : Sain Tarafdar alias Sahin ..... petitioner

Mr. Angshuman Chakraborty  
.....for the petitioner

Mr. Saswata Gopal Mukherjee, learned PP  
Mr. A. Ganguly  
Mr. Pratick Bose  
..... for the State

Mr. Sofiul Islam Mondal  
..... for the defacto complainant

Heard the learned Counsels for the parties.

We have considered the materials on record. Evidence of victim has been recorded. Her evidence is exonerative in nature. In view of the aforesaid development and 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 Chief Judicial Magistrate, Alipore, South 24 Parganas, subject to the condition 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.)**