

19.06.2023

Sl. 33

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2287 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO (Spl) Case No. **09 of 2023** arising out of **Minakhan** P. S. Case No. **27 of 2023** dated **24.01.2023** under Sections **376/506** of the IPC, 1860 and Section **4** of the POCSO Act, 2012.

And

In the matter of: **Mahibulya Mistri @ Babusona @ Moibulla Mistri**

....petitioner

Mr. Satadru Lahiri

Mr. Syed Wasim Faruque

...for the petitioner.

Mr. Rudradipta Nandy, APP

Mr. Subrato Roy

...for the State.

1. Heard the learned Counsel for both the parties.
2. Affidavit-of-service filed by the petitioner be taken on record.
3. The petitioner is stated to be a man who is aged about 22 years old having no record of past criminal antecedent. The victim is aged about 15/16 years old. The *prima facie* case of ravishment is made out from the record and especially the statements of the victim recorded under Section 164 Cr.P.C.
4. Taking into consideration the facts and submissions and completion of investigation in the meantime, we are of view that there is, however, no scope on the part of the petitioner to tamper with the evidence and he has no means to abscond.
5. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, it is directed that the petitioner shall be released on bail by the learned Judge, Special Court (POCSO Act), Basirhat, North 24 Parganas in POCSO (Spl.) Case No. 9 of 2023 arising out of Minakhan P.S. case No. 27 of 2023 on such terms and conditions as deemed just and proper in the facts and

circumstances of the present case including the conditions that i) the petitioner shall not leave the jurisdiction of the Trial Court during the trial without obtaining prior leave of the said Court; ii) he shall appear on each date of substantive hearing in the trial subject to provision of Section 317 Cr.P.C. on cogent ground; iii) the petitioner shall appear once in a month before the I.C. of Minakhan P.S. just to show his *bona fide* that he is present within the District; iv) the petitioner shall not threaten, induce or coerce with the victim including her family members.

6. Accordingly, the prayer for bail of the petitioner is allowed.
7. CRM (DB) 2287 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)