

05.07.2023
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allowed

CRM(DB) No. 2310 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 560 of 2021 dated 16.07.2021 under Section 6 of the POCSO Act.

In Re : Rajat Mardi And
..... petitioner

Ms. Oindrila Ghosh
....for the petitioner

Mr. Shiladitya Banerjee
.... for the State

Learned Counsel for the petitioner submits allegations in the FIR are at variance to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. There is delay in lodging FIR. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

Inspite of service nobody appears for the victim.

We have considered the materials on record. There is material discrepancy between the F.I.R. and the statement of the victim before Magistrate. Delay in lodging FIR has also not been explained. 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 Judge, Special Court under POCSO Act, Malda, 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.)