

17.07.2023
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allowed

CRM(DB) No. 2330 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 168 of 2023 dated 06.03.2023 under Sections 376D/307 of the Indian Penal Code read with Sections 5(g)/6 of the POCSO Act.

And

In Re : Sourav Majumder petitioner

Ms. Minoti Gomes

....for the petitioner

Ms. Zareen N. Khan

Mr. Asif Dewan

.... for the State

Learned Counsel for the petitioner submits he is in custody for 124 days. It is also submitted that charge-sheet has been filed for lesser offences. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim suffered injuries.

In spite of service nobody appears for the victim.

We have considered the materials on record. Though FIR was registered under Section 376D of the Indian Penal Code charge-sheet has been filed alleging sexual assault. Balancing the nature of accusation with the period of detention suffered by the petitioner and as investigation is complete, 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 Additional District and Sessions Judge, Ranaghat, Nadia, Special Court under POCSO Act, Ranaghat, Nadia, 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.)