

21.08.2023.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2403 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra P.S. Case No.410 of 2022 dated 22.08.2022 under Sections 448/342/376D/386/506/509/323/325/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Bablu Murmu & Ors.

.... Petitioners.

Md. Ashraf Ali.

...for the Petitioners.

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana.

...for the State.

1. In spite of service nobody appears for the victim.
2. Learned Advocate for the petitioners submits they are in custody for 365 days. He contends victim has been examined. They renew their bail prayer.
3. Learned Advocate for the State opposes the bail prayer.
4. We have considered the materials on record. Vulnerable witness has been examined. Though the victim claimed she made statement before the Magistrate, her deposition in Court does not support the contents of her statement.
5. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary and they may be enlarged on bail.
6. Accordingly, the petitioners viz., 1) Bablu Murmu, 2) Amit Murmu and 3) Bikas Saren shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2nd Court, Paschim Medinipur subject to condition that they 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.

7. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. Copy of the deposition be kept on record.

9. This application for bail is, thus, disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)