

18.07.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 2603 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.06.2023 in connection with Hanskhali Police Station Case No.162 of 2021 dated 14.03.2021 under Sections 376/511/354/506(2) of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In Re: ***Sujal Malo***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Mr. Amanul Islam

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. Accordingly, he prays for bail.

Learned Advocate for the State produces the case diary.

Inspite of service, nobody appears for the victim girl.

We have considered the materials on record. Victim and her mother have been examined. There is no medical evidence supporting the allegation of attempted rape. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Sujal Malo***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, Ranaghat, Nadia subject to condition that the said petitioner 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.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)