

13.07.2023.
21.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2782 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.231 of 2020 dated 18.07.2020 under Section 4 of the POCSO Act.

In the matter of : Madan Chakraborty.

.... Petitioner.

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

...for the State.

Liberty is granted to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Petitioner is in custody for about three years. It is submitted there was prior enmity between the parties. There was delay in lodging the First Information Report. Victim refused medical examination. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits minor victim narrated the incident before the doctor as well as the Magistrate.

We have considered the materials on record. There was prior enmity between the parties. Case and counter case were registered. Date of the incident has not been specifically stated by the victim either in her statement before the doctor or the Magistrate. There is delay in reporting the matter. Minor refused medical examination. Possibility of false implication due to prior enmity cannot be ruled out.

Under such circumstances and in view of protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Madan Chakraborty 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 the POCSO Act, Kalyani, Nadia subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)