

04.07.2023
tkm/ct 28
sl no. 193

C.R.M. (DB) 2644 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bagdah P.S case no. 184 of 2023 dated 20.3.2023 under sections 376D IPC and section 6 of the POCSO Act
and

Allowed

In Re : Suresh Roy petitioner

Mr. S Bhattacharyya

..... for the petitioner

Mr. Arijit Ganguly

Mr. S K Dan

..... for the State

Petitioner submits that he is the father of the minor victim. There is matrimonial discord between him and the mother of the victim. When the victim was missing he lodged a complaint at the police station. Subsequently, he has been falsely implicated. DNA report shows petitioner is not the father of the unborn child. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record including the statement of the minor. Possibility of false implication due to prior matrimonial discord between the petitioner and his wife cannot be ruled out. DNA report shows that the unborn child in the womb of the victim is not that of the petitioner. He is in custody for 120 days.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 at Bongaon, North 24 Parganas on condition

that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 2644 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)