

08.08.2023
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allowed

CRM(DB) No. 2749 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1448 of 2022 dated 22.09.2022 under Sections 363/365/376(3) of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And
In Re : Fitu Sk. @ Abdul Alim petitioner

Mr. Mazahar Hossain Chowdhury
Mr. Mobashshara Alam
.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
..... for the State

Learned Counsel for the petitioner submits he is in custody for 215 days. Victim has been examined. She has not supported the prosecution case. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Victim has been examined. She has not supported the prosecution case. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 215 days, 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 Judge, Special Court, Additional Sessions Judge, 2nd Court, Malda, 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.)