

17.07.2023
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allowed

CRM(DB) No. 2794 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirbandh Police Station Case No. 09 of 2021 dated 23.03.2021 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/376(2)(f) of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Danu Bauri petitioner

Mr. Arkaprabho Roy
.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
.... for the State

Ms. Souvari Ray
.... for the victim girl

Learned Counsel for the petitioner submits he is in custody for about two years. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Victim has not supported the prosecution case. Keeping in mind the aforesaid extenuating circumstance, we are inclined to grant bail to the petitioner.

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 Additional Judge, Khatra, 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.)