

18.07.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2836 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.898 of 2017 dated 20.12.2017 under Section 506 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

In the matter of : Tuhur Sk.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas.

...for the State.

It is submitted on behalf of the petitioner there was prior enmity and he has been falsely implicated.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Allegation of sexual assault requires to be assessed in the light of the submission relating to prior enmity. Petitioner is in custody for 30 days.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Tuhur Sk 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, Malda 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.)