

03.08.2023.
14.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2845 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat P. S. Case No.306 of 2022 dated 08.05.2022 under Sections 363/365 of the Indian Penal Code and adding Section 120B of the Indian Penal Code and Sections 6/17 of the POCSO Act.

In the matter of : Jharna Das.

.... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey.

...for the Petitioner.

Mr. Partha Pratim Das,
Mr. Manajit Chakraborti.

...for the de-facto complainant.

Mr. Joydeep Roy,
Mr. Amanul Islam.

...for the State.

Petitioner is in custody for 270 days. It is submitted she is not the principal accused. Vulnerable witness has been examined. She prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Petitioner is in custody for 270 days. She is not the principal accused. Vulnerable witness i.e. victim's deposition has already been recorded.

Under such circumstances, further detention of the petitioner is not necessary and she may be granted bail.

Accordingly, the petitioner viz., Jharna Das 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 Chief Judicial Magistrate, Barasat, North 24-Paraganas subject to condition that she 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Nagarukra Police Station except for the purpose court proceeding and shall provide the address where she shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction she shall reside once in a week until further orders.

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 her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)