

04.08.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (DB) 2894 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Chandipur Police Station Case No.42 of 2023 dated 20.02.2023 under Sections 363/365/366/376(2)(n)/306/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Prajapati Ghorai***

... .. Petitioner

Mr. Amal Krishna Samanta

... .. for the petitioner

Mr. Pinak Kumar Mitra

Mr. Ariba Shahab

Ms. Mihika Roy

... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

Mr. Arijit Ganguly

... .. for the State

Leave is granted to the learned Advocate-on-record for the petitioner to correct the cause title in the course of the day.

It is submitted on behalf of the petitioner that she is in custody for about 54 days. It is further submitted ingredients of the offence punishable under Section 306 IPC are not disclosed. Accordingly, she prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner and co-accused misbehaved with the victim. As a result, she committed suicide.

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

We have considered the materials on record including the statement of the de-facto complainant recorded under Section 164 of

the Code of Criminal Procedure. He states victim was assaulted by the petitioner and co-accused. Post-mortem report does not disclose marks of injury apart from ligature mark pertaining to suicide. Under such circumstances and in view of the period of detention suffered by the petitioner and as there is no chance of abscondence, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Prajapati Ghorai***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional Sessions Judge, 2nd Court, Tamluk, Purba Medinipur subject to condition that the said petitioner 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)