

08.08.2023
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allowed

CRM(DB) No. 2944 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 333 of 2021 dated 13.06.2021 under Section 377 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Jaker Ali Mondal @ Jakar Mondal petitioner

Mr. Arnab Chatterjee

Mr. Jissan Iqbal Hossain

Ms. Poulami Bose

Ms. Chandrima Debnath

....for the petitioner

Mr. Prasun Kumar Dutta, learned APP

Mr. Santanu Deb Roy

..... for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. Evidence of the victim boy is exonerative in nature. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 2 years and one month, 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 under POCSO Act, Berhampore, Murshidabad, 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.)