

04.08.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 3084 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.07.2023 in connection with Hanskhali Police Station Case No.745 of 2021 dated 27.10.2021 under Section 307 of the Indian Penal Code and Section 12 of the POCSO Act.

And

In Re: ***Kumaresh Majumder***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that the minor victim has not implicated him in the offence. Victim has already been examined. Accordingly, he renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Minor victim has been examined. She has not supported the allegation of rape. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kumaresh Majumder***, 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 District & Sessions Judge, Ranaghat, Nadia 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)