

08.08.2023
Sl. No.66
akd
[ALLOWED]

C. R. M. (DB) 3123 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Ranitala Police Station Case No.445 of 2022 dated 06.10.2022 under Sections 363/365/34 of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And

In Re: **Senarul Sk.**

... .. Petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

... .. for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted petitioner is not the principal accused. Accordingly, he prays for bail.

Affidavit-of-service filed in court today be kept with the record.

Inspite of notice, nobody appears for the victim.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Principal accused is presently in custody. Keeping in mind the extent of complicity of the petitioner, who does not appear to be the principal accused, in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Senarul Sk.**, 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, Lalbagh, Murshidabad 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)