

22.08.2023
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allowed

CRM(DB) No. 3136 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 881 of 2022 dated 25.08.2022 under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act subsequently charge-sheet submitted under Sections 376/511 of the Indian Penal Code and Section 10 of the POCSO Act.

And
In Re : Narayan Saha petitioner

Mr. Prabir Majumder
.....for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel
..... for the State

1. In spite of notice nobody appears for the victim.
2. Learned Counsel for the petitioner submits he is in custody for 348 days. Victim has been examined. He renews his bail prayer.
3. Learned Counsel for the State opposes the bail prayer.
4. We have considered the materials on record. Vulnerable witnesses have been examined. Petitioner is in custody for a considerable period. Under such circumstances we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
5. 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, Krishnagar, Nadia, 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)