

24.08.2023
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allowed

CRM(DB) No. 3165 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 168 of 2023 dated 06.03.2023 under Sections 325/307 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

And
In Re : Joy Biswas petitioner

Mr. Asraf Mandal
.....for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 171 days. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits victim was assaulted severely.

3. We have considered the materials on record. Though FIR was registered under Section 376D of the Indian Penal Code charge-sheet has been filed alleging lesser offence. Co-accused are on bail. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

4. 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, Ranaghat, 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)