

31.08.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3407 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.08.2023 in connection with Taherpur Police Station Case No.299 of 2023 dated 17.06.2023 under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re: ***Debasish Adhikary***

... .. Petitioner

Mr. Khalid Hasan

... .. for the petitioner

Mr. Parthapratim Das

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 65 days. It is further submitted victim did not name the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Victim did not name the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure. Petitioner was also not placed for identification in the Test Identification Parade. Investigation is complete. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Debasish Adhikary**, 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 Additional Chief Judicial Magistrate, 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)