

09.10.2023  
tkm/ct 28  
sl no. 13

**C.R.M. (DB) 3309 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliganj P.S case no. 80 of 2023 dated 11.2.2023 under sections 363/366 of the IPC and section 6 of the POCSO Act

and

**Allowed**

In Re : Miraj Sk @ Shaikh

... petitioner

Mr. Asraf Mondal

..... for the petitioner

Mr. A A Siddiqui

..... for the State

Mr. A A Alamgir  
Ms. Rabia Khatoon  
Ms. Soma Mal

..... for the de facto complainant

1. Heard learned lawyer for the parties.
2. We have considered the materials on record. Victim has been examined. Whether the minor was aware of the marital status of the petitioner or not may be assessed during trial. Petitioner is in custody for 209 days. There is no chance of his abscondence.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner 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, Nadia at Krishnagar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. 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.

6. The application being CRM (DB) 3309 of 2023 is disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**