

06.09.2023
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allowed

CRM(DB) No. 3437 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 460 of 2022 dated 03.12.2022 under Sections 363/365/417/109 of the Indian Penal Code and under Sections 4/8/17 of the POCSO Act.

And

In Re : Saju Sk. @ Sajiruddin petitioner

Mr. Sagar Saha

....for the petitioner

Mr. Shiladitya Banerjee

..... for the State

1. Affidavit-of-service filed in Court is placed on record.
2. Nobody appears for the victim.
3. Learned Counsel for the petitioner submits he is not the principal accused. Co-accused has been enlarged on bail. He prays for bail.
4. Learned Counsel for the State produces the case diary.
5. We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the crime and since co-accused similarly circumstanced with the petitioner is on bail, we are inclined to extend the same privilege to the petitioner also.
6. 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 Special Judge, ADJ-II Court, Malda, subject to condition 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)