

Court No. 28

13.09.2023

(AD 36)

(S. Banerjee)

CRM (DB) 3559 of 2023

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Bally Police Station Case No. 08 of 2023 dated 24.01.2023 under Section(s) 376(2)(f)(n) and 506 of the Indian Penal Code read with 6 and 21(2) of POCSO Act of 2012.

And

In the matter of: Rajesh Ghosh

...petitioner

Mr. Kaustav Das

... for the petitioner

Ms. Zareen N. Khan

Mr. Arup Sarkar

... for the State

1. The petitioner submits that the victim has not supported the prosecution case. He prays for bail.
2. Learned lawyer for the State opposes the prayer for bail.
3. Nobody appears for the victim.
4. We have considered the materials on record. Minor victim has not supported the prosecution case.
5. In such circumstances and in view of the period of detention, i.e., 233 days, suffered by the petitioner, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Rajesh Ghosh**, shall be released on bail upon furnishing Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court

POCSO, Howrah subject to condonation that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. CRM(DB) 3559 of 2023 is allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)