

26.09.2023.
43.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3726 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad P.S. Case No.428 of 2023 dated 13.06.2023 under Sections 328/307/302/376(3)/120B of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Dushasan Sarkar @ Haldar @ Bhola.**
.... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrani Debnath.
...for the Petitioner.

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mitra.
...for the State.

1. Petitioner submits he is the cousin of the principal accused viz., Rahul Haldar. He is in custody for 105 days. He has been falsely implicated. He prays for bail.
2. Learned Advocate for the State produces the Case Diary.
3. We have considered the dying declaration of the victim. In her statement, the victim claimed Rahul Haldar had taken her to a lonely place and induced her to take poison on the ground that he would also consume poison. After the victim had consumed poison, Rahul did not do so. As a result, victim died. There is no allegation against the petitioner.
4. Keeping in mind the extent of complicity of the petitioner in the crime, period of detention of the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Dushasan Sarkar @ Haldar @ Bhola** 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 the POCSO Act, Lalbagh, Murshidabad subject to condition 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)