

17.10.2023
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allowed

CRM(DB) No. 3851 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 327 of 2021 dated 01.10.2021 under Sections 363/365 of the Indian Penal and subsequently charge-sheet submitted under Sections 363/365/376(1) of the Indian Penal and Section 6 of the POCSO Act.

And

In Re : Sk. Arsed @ Raju @ Chotu petitioner

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Soham Chakraborty
....for the petitioner

Ms. Faria Hossain
Ms. Mamata Jana
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 706 days. Evidence of the minor is exonerative. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. In view of the aforesaid development we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

4. 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 Judge, Special Court under POCSO Act, Uluberia, Howrah, subject to conditions 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)