

18.10.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 3911 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with Margram Police Station Case No.152 of 2022 dated 01.08.2022 under Sections 363/365/376(3)/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Kali Prasad Mal @ Kaliprasad Mal***

... .. Petitioner

Mr. Sujoy Sarkar
Mr. Rahul Chachan

... .. for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 442 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record. Evidence of the victim is exonerative in nature. In view of the aforesaid development and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Kali Prasad Mal @ Kaliprasad Mal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Rampurhat, Birbhum subject to condition that the said petitioner 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 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)