

17.11.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 4007 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Dhantala Police Station Case No.581 of 2023 dated 05.08.2023 under Sections 8/12 of the POCSO Act. (G.R. Case No.69 of 2023)

And

In Re: **Swapan Haldar**

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Ms. Zareen N. Khan
Ms. Mayukhi Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is related to the victims. There was dispute between family members. As a result, petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the statement of the minor. Petitioner contends he is related to one another and there is a long standing family dispute. Possibility of false implication cannot be ruled out. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Swapan Haldar**, 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-cum-Additional Sessions Judge, Ranaghat, Nadia 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.)