

18.10.2023.
49.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4103 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nazat P.S. Case No.247 of 2022 dated 11.09.2022 under Sections 363/365/376 of the Indian Penal Code and under Section 9 of the Prohibition of Child Marriage and under Section 6 of the POCSO Act.

In the matter of : **Surajit Munda.**

.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

1. Petitioner is in custody for more than a year. Learned Advocate for the petitioner submits evidence of the victim in Court is at variance to her earlier statement made before the Magistrate which is exonerative in nature. Accordingly, he prays for bail.
2. Inspite of notice, nobody appears for the victim.
3. Learned Advocate for the State produces the Case Diary.
4. We have considered the materials on record. Evidence of the victim in Court implicates the petitioner. But her statement is at variance to her earlier statement before Magistrate which is exonerative.
5. In view of prevaricating stance of the victim, we are of the opinion petitioner may be enlarged on bail.
6. Accordingly, the petitioner viz., **Surajit Munda** 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, Basirhat, North 24-Paraganas 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)