

19.10.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 4134 of 2023

In Re : An application under section 439 of the Code of Criminal Procedure in connection with Haripal PS case no. 97 of 2021 dated 1.5.2021 under sections 376(2)(n)/376(3)/363/365/323/506/379 IPC and 4/6 of the POCSO Act
and

Allowed

In Re : Surajit Roy @ Surojit Roy @Raju @ Hojo Roy..... petitioner

Mr. S Chakraborty

..... for the petitioner

Ms. Anasuya Sinha

Ms. Sayanti Santra

..... for the State

1. Petitioner submits he has been falsely implicated in the instant case at the behest of the mother of the minor. Statement of the minor exonerates him.

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

3. We have considered the materials on record. Mother of the minor stated there was an affair between herself and the petitioner. Taking advantage of the situation the petitioner had sexually abused her daughter and taken her objectionable pictures. On the other hand, the minor daughter came out with a different story. She states her mother was trying to exploit her and has falsely implicated the petitioner.

4. The aforesaid materials show the prosecution case against the petitioner is inconsistent. Possibility of his false implication cannot be ruled out.

5. Under such circumstances, we are inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner 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, Candernagore on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. 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.

8. The application being CRM (DB) 4134 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)