

23.11.2023.
35.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4285 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.621 of 2023 dated 08.09.2023 under Sections 448/323/325/354/286/307/34 of the Indian Penal Code read with Sections 3/4 of the E. S. Act and Sections 8 & 12 of the POCSO Act.

In the matter of : **Rafikul Sk. & Anr.**

.... Petitioners.

Mr. Jisan Hossain
Ms. Chandrima Debnath.

...for the Petitioners.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

1. Petitioners are in custody for 45 days. It is contended they are not the principal accused. They pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Nobody appears for the victim.
4. We have considered the materials on record. In view of the extent of complicity of the petitioners in the crime and the period of detention suffered by them, we are inclined to grant bail to the petitioners.
5. Accordingly, the petitioners viz., **1) Rafikul Sk. and Rubel Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)