

01.12.2023
Sl. No.53
akd
[ALLOWED]

C. R. M. (DB) 4333 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2023 in connection with Ghatal Police Station Case No.323 of 2023 dated 28.09.2023 under Sections 363/365/34/376(3)/376(2)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Child Marriage Act. (G.R. Case No.1035 of 2023)

And

In Re: ***Lakhikanta Dolui***

... .. Petitioner

Sk. Taslim Ali
Mr. Subrata Kulavi

... .. for the petitioner

Mr. Aniket Mitra

... .. for the State

1. Petitioner is the father of the principal accused.
2. It is submitted on behalf of the petitioner that he is in custody for about 59 days. Accordingly, he prays for bail.
3. Learned Advocate for the State produces the case diary.
4. Nobody appears on behalf of the victim.
5. We have considered the materials on record. Statement of the victim is exonerative in nature. Petitioner is not the principal accused. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
6. Therefore, the accused/petitioner, namely ***Lakhikanta Dolui***, 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 District & Sessions Judge, Ghatal, Paschim Medinipur 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.

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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)