

30.11.2023
tkm/ct 28
sl no.70

C.R.M. (DB) 4453 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta PS case no. 451 of 2022 dated 04.06.2022 under section 376 IPC and Section 4 of POCSO Act.

And

In Re : Narayan Halder petitioner

Mr. Debabrata Roy
Ms. Karabi Roy
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal

..... for the petitioner

Md. Anwar Hossain
Mr. Mainak Gupta

..... for the State

1. Petitioner submits that there was prior enmity between the families is admitted by the victim in her cross examination during trial. Hence he was falsely implicated. Victim has already been examined. Accordingly, he prays for bail.
2. Lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Minor victim has been examined. During cross-examination in chief she alleged she was ravished. But in cross-examination she admits there was prior dispute between the petitioner and her family members. Possibility of false implication cannot be ruled out. Vulnerable witness has already been examined. Under such circumstances, we are inclined to grant bail to the petitioner.

1. 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 Additional Sessions Judge (Special Judge), POCSO Act, Tehatta, Nadia 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.

2. 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.

3. The application being CRM (DB) 4453 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)