

19.12.2023.

Item No. 119.

ap
(Allowed)

C.R.M. (DB) 4513 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.11.2023 in connection with Baishnabnagar Police Station Case No. 265 of 2023 dated 26.04.2023 under Sections 454/323/307/506 of the Indian Penal Code read with Sections 8/12 of the Protection of Children from Sexual Offences Act. 2012.

And

In the matter of: Dairul Sk. ...Petitioner

Md. Wasim Akram. ...For the petitioner

Mr. Sandip Chakraborty.For the State

1. Learned Advocate for the petitioner submits that petitioner is in custody for 139 days. Investigation is complete and there is no chance of abscondence. He prays for bail.

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

3. Heard the learned Advocates for the parties. We have considered the materials on record. Balance of convenience in the nature of accusation with the period of detention of the petitioner, we are inclined to grant bail to the petitioner.

4. Therefore, the petitioner, namely, Dairul Sk., 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, Additional District Judge, 2nd Court, Malda subject to the 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 or commit similar offences in future.

5. 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 automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)