

30.01.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 4592 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur P. S. Case No.773 of 2022 dated 21.09.2022 under Sections 506/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Kajal Chowdhury.

.... Petitioner.

Mr. Avik Ghatak,
Mr. Sagnik Mukherjee,
Mr. Shankar Singh.

...for the Petitioner.

Ms. Anwar Hossain,
Ms. Sreyashee Biswas.

...for the State.

Mr. Golam Mastafa,
Mr. Subir Sabud.

...for the de-facto complainant.

Petitioner is in custody for 132 days. It is submitted that there was a prior criminal case registered by her against the relations of the victim. In retaliation, she has been falsely implicated. She prays for bail.

Learned Advocate for the victim denies and disputes such allegation. He opposes the bail prayer.

Learned Advocate for the State produces the case diary.

We have considered the materials on record including the statement of the victim. Though the statement implicates the petitioner, its credibility has to be assessed in the light of the prior enmity between the parties and delay in lodging first information report.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Kajal Chowdhury shall 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 the POCSO Act, Howrah subject to condition that she 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.

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 her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)