

10.01.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 4646 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2022 in connection with Santipur Police Station Case No.226 of 2019 dated 12.04.2019 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Pradip Kumar Choudhury***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Mr. Sourav Mukherjee

... .. for the de-facto complainant

Ms. Zareen N. Khan
Mr. Ashok Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted victim has been examined. She has not supported the prosecution case.

Learned Advocate for the de-facto complainant does not oppose the prayer for bail.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. In view of the fact that the victim has not supported the prosecution case, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Pradip Kumar Choudhury***, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia 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.

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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)