

20.12.2023
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allowed

CRM(DB) No. 4680 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda Police Station Case No. 293 of 2022 dated 22/10/2022 under Sections 376/309/109 of the Indian Penal Code adding Section 4 of the POCSO Act.

And
In Re : Banirul Sk. Petitioner

Mr. Kingsuk Mondal
.....for the petitioner

Mr. S. S. Imam
.... for the State

Mr. Pradip Kumar Kundu
.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 425 days. It is also submitted that victim was a married lady. There was a relationship between the petitioner and the victim. She committed suicide. Petitioner has been falsely implicated. He prays for bail.

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

3. Learned Counsel for the de facto also opposes the prayer for bail.

4. We have considered the materials on record. Minor was married to another person. She developed a relation with the petitioner. She did not have any suicide note. Vital witnesses have already been examined. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner 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 POCSO Act, Berhampur, Murshidabad subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)