

09.01.2024

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Allowed

C.R.M. (DB) No. 34 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 99 of 2023 dated 22.02.2023 under Sections 363/365 of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And

In Re : Humai Sk. @ Humayun Sk. petitioner

Mr. Sumanta Das

.....for the petitioner

Ms. Anasuya Sinha

Mr. S. S. Saha

.....for the State

1. Heard the learned Counsels for the parties.
2. In spite of notice nobody appears on behalf of the victim.
3. We have considered the materials on record. Evidence of the victim is exonerative in nature. Petitioner is in custody for 283 days. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
4. 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, Krishnagar at Nadia, subject to condition that 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.

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

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)