

01.02.2024.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 158 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No.159 of 2023 dated 25.03.2023 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Gokul Das @ Biplab Das.**

.... Petitioner.

Ms. Sujata Das.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Ayantika Roy.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Evidence of the victim in court is exonerative in nature. Victim has not supported the prosecution case. But her mother has supported the prosecution case. Petitioner is in custody for 314 days.
3. Keeping in mind the aforesaid dichotomy in the prosecution case and as the vulnerable witness has been examined, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Gokul Das @ Biplab Das** 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, Malda subject to condition that he 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. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)