

16.02.2024
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allowed

CRM(DB) No. 278 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 158 of 2023 dated 02.03.2023 under Sections 376/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And
In Re : Nilay Das alias Niloy Das petitioner

Mr. Sayan De
Mr. Sayan Kanjilal
....for the petitioner

Mr. Debasish Roy, learned PP
.... for the State

Ms. Sananda Bhattacharyya
.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for more than 350 days. It is also submitted evidence of the vulnerable witnesses has been recorded. He prays for bail.

2. Learned Counsel for the victim submits she has no objection if bail of the petitioner is granted.

3. We have considered the materials on record. Vulnerable witnesses have already been examined. Though allegations are serious we note victim does not oppose the bail prayer.

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-cum-learned Additional District & Sessions Judge, Ranaghat, Nadia, subject to conditions 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.

5. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)