

06.02.2024
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allowed

CRM(DB) No. 365 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 55 of 2022 dated 18.03.2022 under Sections 363/365 of the Indian Penal Code adding Section 6 of the POCSO Act.

In Re : Ajibur Sk. And
..... petitioner

Mr. Tapodip Gupta
....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Ms. Mamata Jana
.... for the State

1. Liberty is given to the learned Counsel for the petitioner to correct the cause title.

2. Learned Counsel for the petitioner submits victim has not supported the prosecution case. She stated that she had a quarrel with her mother and she left her residence out of her own volition. Accordingly, petitioner renews his bail prayer.

3. Learned Counsel for the State opposes the prayer for bail and submits victim is a minor.

4. We have considered the materials on record. Victim is a minor. She deposed she had a quarrel with her parents and she left her house. Under such circumstances and in view of period of detentions suffered by the petitioner i.e. one year and nine months, 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, Berhampore, Murshidabad, 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.

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.)