

20.02.2024
tkm/ct 28
sl no. 47

C.R.M. (DB) 519 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Naihati PS case no. 308 of 2022 dated 30.7.2022 under sections 366A/370/372/373/120B IPC and sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act and sections 17/4 of POCSO Act
and

Allowed

In Re : Swapan Paul & Anr. petitioners

Mr. S Mukherjee
..... for the petitioner
Mr. Bibaswan Bhattacharya
..... for the State

1. Petitioners contend victim had turned hostile. Co-accused is on bail. He prays for bail.
2. Learned lawyer for the State produces case diary.
3. We have considered the materials on record. Victim had turned hostile. Co-accused has been enlarged on bail. Petitioners are entitled to similar relief.
4. Accordingly, petitioners be released on bail upon furnishing a bond of Rs.10,000/- each 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, Barrackpore, North 24 Parganas on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application being CRM (DB) 519 of 2024 is disposed of.

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**