

07.03.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 536 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.02.2024 in connection with Domkal Police Station Case No.621 of 2023 dated 08.09.2023 under Sections 448/323/325/354/286/307/34 of the Indian Penal Code, Sections 3/4 of the Explosive Substances Act and Sections 8/12 of the POCSO Act.

And

In Re: **Abjar @ Abujar Sk. @ Suman Sk.**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Ms. Subhasree Patel

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 178 days. It is further submitted no one was injured in course of the incident. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of service, nobody appears on behalf of the victim.
4. We have considered the materials on record. Petitioner is in custody for a considerable period of time. No one was injured in course of the incident. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
5. Therefore, the accused/petitioner, namely **Abjar @ Abujar Sk. @ Suman Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Berhampore, Murshidabad subject to condition that the said 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Domkal Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)