

19.03.2024
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allowed

CRM (DB) No. 671 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No. 571 of 2023 dated 30.10.2023 under Sections 4/12/17 of the POCSO Act and charge-sheet submitted under Sections 4/17 of the POCSO Act.

In Re : Hanif Sk. And
..... petitioner

Ms. Shabana Hasin
Ms. Samima Akter Banu
Ms. Neha Roy
....for the petitioner

Mr. Tanmoy Kumar Ghosh
Md. Kutubuddin
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 140 days. It is also submitted he is not the principal accused. He is not present when the incident occurred. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. In spite of service of notice nobody appears for the victim.

4. We have considered the materials on record. In the FIR it is alleged petitioner had left the place of occurrence at the time of rape. He had gone to fill petrol in the motor cycle. Keeping in mind the extent of complicity of the petitioner in the crime we are inclined to grant bail to him.

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, Jangipur, Murshidbad, 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.)