

19.03.2024
40
sdas
allowed

CRM (DB) No. 675 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 858 of 2023 dated 02.06.2023 under Sections 363/365 of the Indian Penal Code and under Section 6 of the POCSO Act.

And
In Re : Bhodu Seikh @ Belal Sk. @ Sekh petitioner

Mr. Sagar Saha
....for the petitioner

Mr. Debasish Roy, learned PP
Ms. Amita Gaur
Ms. Sima Biswas
.... for the State

1. Heard the learned Counsels for the petitioner and State.
2. In spite of service of notice nobody appears for the victim.
3. We have considered the materials on record. Statement of victim before the learned Magistrate is exonerative in nature. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 50 days we are inclined to grant bail to him.
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-Additional District Judge, 2nd Court, Malda, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)