

06.03.2024
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allowed

CRM(DB) No. 720 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala Police Station Case No. 556 of 2022 dated 19.12.2022 under Sections 376/417 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 376/417/313 of the Indian Penal Code.

And

In Re : Abu Sufian Khan petitioner

Md. G. N. Imrohi

....for the petitioner

Mr. Abhra Mukherjee

Mr. R. Jana

.... for the State

Mr. Kingsuk Mondal

.... for de facto complainant

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. Victim was a major lady at the time of cohabitation. She does not oppose the bail prayer. Petitioner is in custody for more than a year. There is no chance of abscondence. In view of the aforesaid facts, we are inclined to grant bail to the petitioner.

3. 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 (POCSO) Court, Lalbagh, 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.

4. 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.

5. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)