

11.03.2024
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allowed

CRM(DB) No. 767 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 253 of 2020 dated 18.06.2020 under Section 6 of the POCSO Act.

And
In Re : Soilen Soren @ Sailen Soren petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Sanjoy Bardhan
Ms. Sonali Bhar
.... for the State

1. Learned Counsel for the petitioner submits he was a child in conflict with law and was enlarged on interim bail. However, his interim bail was cancelled as ossification report showed he was eighteen years old at the time of occurrence. He is in custody for one year and six months. Victim has been examined. He prays for bail.

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

3. We have considered the materials on record. Victim stated petitioner put his hand at the place of her urination. It is to be seen during trial whether her deposition proves penetrative sexual assault or not. Keeping in mind the aforesaid circumstance, young age of the petitioner and period of detention suffered by him 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, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)