

19.03.2024
Sl. No.65
akd
[ALLOWED]

C. R. M. (DB) 861 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.03.2024 in connection with Hirbandh Police Station Case No.47 of 2021 dated 28.11.2021 under Sections 363/366 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/366/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Buddhadeb Sahana**

... .. Petitioner

Mr. Arkaprabho Roy
Mr. Anish Roy
Mr. Riddhiman Mukherjee

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that the victim had made contradictory statements before police and Magistrate. Vulnerable witness has been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the evidence of the victim. During cross-examination, defence confronted her with her inconsistent statements before police and Magistrate. Vulnerable witness has already been examined. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Buddhadeb Sahana**, 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-cum-Additional Sessions Judge, Khatra,

Bankura 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)