

01.04.2024
tkm/ct 28
sl no. 45

C.R.M. (DB) 955 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S case no. 46 of 2023 dated 29.1.2023 under sections 302/201 IPC adding sections 376DB/120B IPC and section 6 of the POCSO Act

and

Allowed

In Re : Krishna Pandit

... petitioner

Mr. Shambhunath Roy
Ms. T Parvin
Ms. Amrita Tewari
Mr. V Raj Tewari
Ms. S Das
Ms. N Ghosh

..... for the petitioner

Mr. R D Nandy
Ms. Afreen Begum

..... for the State

1. Petitioner submits he has been falsely implicated on mere suspicion. He is in custody for 414 days. He prays for bail.
2. Learned lawyer for the State submits victim came from an impoverished family. Her mother, a co-accused had sold the victim to one Somnath and the petitioner. They raped and murdered her.
3. In response learned counsel for petitioner submits mother of the victim has been enlarged on bail.
4. We have considered the materials on record. Victim came from a poor family. She along with her mother used to reside in a railway platform. It is the prosecution case that the mother of the victim had sold her to one Somnath and the petitioner. These two persons committed rape and murdered.
5. In view of the extent of complicity of the mother of the victim in the crime she had been released on bail. Prosecution seeks to implicate the petitioner on the statement of mother of the victim, a

co-accused. For reasons best known to the prosecution, she had not been treated as an approver. Hence, her statement before police officer is inadmissible in evidence. Other statements relied by the prosecution is that of a local shop owner. His statement does not implicate the petitioner. If one discounts the statement of the mother of the victim (who is a co-accused) there is no clinching material to implicate the petitioner in the crime.

6. Under such circumstances, we are inclined to grant bail to the petitioner however, subject to conditions.

7. Accordingly, the petitioner 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 Krishnanagar, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Nabadwip P.S and shall report to the Officer-in-Charge of Nabadwip police station once in a week until further orders.

8. 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.

9. The application being CRM (DB) 955 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)