

09.04.2024
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allowed

CRM (DB) No. 1037 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Singur Police Station Case No. 87 of 2024 dated 01.03.2024 under Sections 447/323/325/307/379/354B/504/506/34 of the Indian Penal Code and Section 12 of the POCSO Act.

And
In Re : Sudip Koley petitioner

Mr. Ashik Iquebal
Mr. Rameshwar Sinha
Ms. Debanjana Sen
....for the petitioner

Mr. Iqbal Kabir
Ms. Anews Chakroborty
.... for the State

1. Affidavit-of-service filed in Court be kept on record.
2. In spite of service nobody appears for the victim.
3. Learned Counsel for the petitioner submits a civil suit was instituted against the family members of the victim girl. There was prior enmity between the parties. As a retaliation he has been falsely implicated. He prays for bail.
4. Learned Counsel for the State opposes the bail prayer.
5. We have considered the materials on record. We have also examined statement of the minor victim. It is contended there was prior enmity between the parties. A civil suit was instituted against the family members of the victim girl. Possibility of false implication cannot be ruled out. There is no

chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

6. 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 Additional District & Sessions Judge, POCSO Court at Chandannagore, Hooghly, 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)