

03.04.2024
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allowed

CRM (DB) No. 978 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Technocity Police Station Case No. 157 of 2023 dated 26.08.2023 under Sections 363/365 of the Indian Penal Code and adding Section 6 of the POCSO Act.

And

In Re : Momin Ali Purkait alias Babusona petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Sandip Chakraborty

Mr. Goutam Dinda

.... for the State

Ms. Minoti Gomes

Ms. Dona Sanyal

.... for the de facto complainant

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Evidence of the victim is exonerative. Petitioner is in custody for more than eight years. Learned Counsel for the de facto complainant does not oppose the bail prayer. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Barasat, North 24 Parganas, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)