

18.4.2024
Ct. No. 28
SL No. 33
Bd / SB

C.R.M. (DB) 976 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Marishda P.S. Case No. 46 of 2023 dated 26.02.2023 under Sections 363/365/376 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of: Sk. Rafijul @ Bhola

Mr. Joy Chakraborty
Mr. Sandip Dinda ...for the Petitioner

Mr. Saibal Bapuli
Ms. Suveni Banerjee for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record.
3. Statement of the victim shows that there was a romantic relationship between two young persons.
4. In spite of notice nobody appears for the victim.
5. Petitioner is in custody for more than a year.
6. Under such circumstances, we are inclined to grant bail to the petitioner.
7. Accordingly, 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 Session Judge, 1st Court-cum-Judge, Special Court, Contai at Purba Medinipur subject to the condition that the 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.

8. In the event he fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without any further reference to this Court.
9. The application for bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)