

16.08.2024
Item no.08.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1955 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Women Police Station Case No. 87 of 2023 dated 20.06.2023 under Sections 376(n)/354C/506 of the Indian Penal Code and under Section 6/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Akash Rajak.

.....Petitioner.

Mr. Hare Krishna Halder,
Mr. Debasis Sur,
Mr. Himadri Sekhar Paul,for the Petitioner.

Ms. Sonali Das,
Mr. Jishan Iqbal Hossain,for the State.

Dictated by Arijit Banerjee, J.

1. Report regarding service on the victim as well as the informant submitted on behalf of the State be kept with the records.
2. The petitioner says that he is in custody for about 550 days. The vulnerable witnesses have been examined. He should be enlarged on bail.
3. We see that the victim and her parents have been examined before the learned Trial Court. The victim has turned hostile.

4. In that view of the matter and considering the already lengthy detention of the petitioner, we deem it proper to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely **Akash Rajak** 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 Judge, Special Court (under POCSO Act), Bankura on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)