

CRM (DB) 2247 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhutni Police Station** Case No. **49 of 2021** dated **30.03.2021** under Sections **6/18** of the POCSO Act.

- A n d -

In the matter of : Swapan Mandal

.... Petitioner.

Mr. Kazi M. Rahman,

... For the Petitioner.

Mr. Saibal Bapuli,

Ms. C. Dutta,

... For the State.

1. Petitioner submits the victim has not supported the prosecution case. He is in custody for three years. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the evidence of the minor victim. She made contradictory statements in Court. Her credibility requires to be assessed in the light of other evidence on record as well as attending circumstances at the end of trial.
4. In view of the aforesaid facts, we are of the opinion further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely, **Swapan Mandal**, 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 Special Judge under the POCSO Act, Malda and on further conditions that the 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.

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 his bail in accordance with law without further reference to this court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)