

07.8.2024
Ct. No. 6
SL No. 31
SB

C.R.M. (DB) 2482 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Habra** P.S. Case No. 492 of 2023 dated 29.5.2023 under Sections 363/364 of the Indian Penal Code adding Section 376(3) of Indian Penal Code along with Section 4 of POCSO Act and Section 9 of Protection Child Marriage Act.

And

In the matter of: Papai Mallick@Pappu Gain

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Labani Sikder ... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sharequl Hoque ... for the State

1. Heard learned lawyers for both the parties.
2. In spite of service nobody appears for the victim.
3. We have considered the materials on record. Minor victim has not supported the prosecution case of penetrative sexual assault in Court. In view of the aforesaid development and period of detention suffered by the petitioner i.e. 14 months we are inclined to grant bail to the petitioner.
4. 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 Judge, Special POCSO Court, Barasat, North 24 Parganas subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)