

47. 10.09.2024
Court
No.6 (Tanmoy)

Allowed

CRM (DB) 2815 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Mothabari** Police Station Case No. **147/2023** dated **23.05.2023** under Section **376DA** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Rased Sekh**

...petitioner.

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

...for the petitioner.

Mr. Debabrata Chatterjee
Mr. Ranit Mukherjee

...for the State.

1. Learned lawyer for the petitioner submits petitioner is in custody for more than a year. Co-accused is on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Inspite of service of notice nobody appears for the *de facto* complainant.
4. We have considered the materials on record.
5. Keeping in mind the facts and circumstances of the case and as co-accused has been enlarged on bail, we are inclined to extend similar relief to the petitioner.
6. Accordingly, we direct the petitioner, namely, **Rased Sekh** 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-cum-Additional

District Judge, 2nd Court, Malda, subject to 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.

7. 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.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)