

CRM (DB) 3225 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Tamluk P.S. Case No. 374 of 2023 dated 09.4.2023 under Sections 363/365/366/368/506 of the Indian Penal Code and Sections 8 of the POCSO Act.

And

In the matter of: Shib Sankar Das @ Shiv Sankar Das

Mr. Sourat Nandy ... for the petitioner

Ms. Amita Gaur
Ms. Pallavi Priyadarshee ...for the State

1. In spite of notice, no body appears for the victim.
2. We have considered the materials on record. Victim has been examined and her mother is also examined. Petitioner is in custody for about nine months. In her deposition victim stated that she was unable to recollect the incident, but admitted she voluntarily made statement before Magistrate. Her deposition is to be appreciated with other evidence during trial.
3. In the light of the materials on record, we are inclined to grant bail to the petitioner.
4. Accordingly, we direct that in the event of arrest 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 learned Additional Sessions Judge, 2nd Court, Tamluk, Purba Medinipur subject to condition that petitioner shall appear before the learned Trial Court on every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
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 prayer in accordance with law without further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)