

05.01.2024

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Allowed

C.R.M. (DB) No. 4569 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 208 of 2023 dated 04.06.2023 under Section 6 of the POCSO Act.

And
In Re : Rahul & Anr. petitioners

Mr. Pawan Kumar Gupta
Mrs. Priyanka Mukherjee
Ms. Rafiaul Islam
.....for the petitioners

Mr. Anwar Hossain
Ms. Eshita Dutta
.....for the State

1. Heard the learned Counsels for the parties.

2. Deposition of the victim is placed on record. From the deposition it appears victim has not supported the prosecution case. Petitioners are in custody for 240 days. In view of the aforesaid development and period of detention suffered by the petitioners we are inclined to grant bail to them.

3. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court, Chanchal, Malda, subject to conditions that petitioners 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.

4. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)