

08.01.2024
32
sdas
Allowed

sdas

Allowed

C.R.M. (DB) No. 27 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 98 of 2022 dated 18.07.2022 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Khosjel Sk.

..... petitioner

Mr. Asraf Mandal

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Ms. Baisali Basu

.....for the State

1. Let affidavit-of-service filed in Court be kept on record.

2. Heard the learned Counsels for the parties.

3. We have considered the materials on record.

Petitioner is the father of the principal accused. Victim has already been recovered. She has not implicated the petitioner in the offence of penetrative sexual assault. Under such circumstances and keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant bail to him.

4. Accordingly, we direct that 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 Additional Sessions Judge-cum-Judge, Special Court under POCSO Act, Tehatta, Nadia,

subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)