

Court No. 1

29.04.2024

(JCB 32)

(S. Banerjee)

(Allowed)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 196 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 1030 of 2021 dated 19.10.2021 under Section 363/365/109/370/370A/376D of the Indian Penal Code read with 6 of the Prevention of Child from Sexual Offences Act.

And

In the matter of: Sahidul Islam @ Hunia & Ors.
...petitioners

Mr. Subham Ghosh
Mr. Mayank Roy

... for the petitioners

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

... for the State

Mr. Samundra Mani Pradhan
Ms. Sagarika Sarkar

... for the de facto complainant

1. In course of his submission learned counsel for the petitioners at the very outset straightway took us to the evidence of the victim as recorded on August 10, 2023. It reveals to us that the victim in course of her deposition has become hostile and stated nothing against the present accused-petitioners.
2. Though the prayer for bail has been opposed on behalf of the State, we find no reason to keep the present accused-petitioners in further incarceration.
3. Accordingly, prayer for bail is allowed.

4. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 5,000/- each with two registered sureties of like amount each, to the satisfaction of the Special Judge (POCSO) and the Additional District and Sessions Judge, 2nd Court at Cooch Behar subject to the condition that they shall regularly appear before the trial court on each and every date of hearing until further orders subject to the provision as mentioned in Section 317 Cr.P.C. and shall not commit any threat witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioners fail to appear before the trial court without any justifiable cause or violates any condition given above, the trial court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this court.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)