

27.11.2019
SL No.131
AP

CRM 10975 of 2019

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **21.11.2019** in connection with **Nagrakata** P.S. Case No. **92 of 2018** dated **11.07.2018** under Section **4** of the POCSO Act.

And

In the matter of: **Aliul Hossain**

....Petitioner.

Mr. A. Banerjee

...for the Petitioner.

Mr. S. Bhattacharya,
Mr. A. Sen

...for the State.

It is submitted on behalf of the petitioner that the victim girl voluntarily cohabited with him and he is in custody for more than one year and four months and the trial has not yet been commenced.

Learned lawyer for the State opposes the prayer for bail and submits that that victim is a minor girl and had become pregnant.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner and as the trial has not yet commenced and in view of the protracted period of

detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Let the petitioner 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, Mal, Jalpaiguri subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)