

10 28.09.2020
rkd Ct. no.12
(Allowed)

C.R.M. 6551 of 2020
(IA NO:CRAN 1 of 2020)
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dattapukur** P.S. Case No. **429 of 2020** dated **06/06/2020** under Sections **377** of the Indian Penal Code and read with Section **6** of the POCSO Act.

And

In the matter of: Md. Mofijul @ Md. Mafijul

....petitioner.

Mr. P. Talukder,
Mr. H. Chakraborty

...for the petitioner.

Mr. N. Ahmed,
Ms. A. Gaur

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Petitioner is in custody for 117 days.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the inconsistent statement of the victim made under Section 164 Cr.P.C. before the Magistrate vis-a-vis his earlier statement before the police officer recorded under Section 161 Cr.P.C. and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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, 2nd Court, Barasat, North 24 Parganas subject to the condition that during bail he shall appear before the learned trial court regularly and he 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.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)