

Court No.
5
Item.1
ssi

17.11.
2020

C.R.M. 8174 of 2020

(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cooch Behar Sadar Woman Police Station Case No. 50 of 2020 dated 31.05.2020 under Sections 8 of the Protection of Children from of Sexual Offences Act 2012 and Sections 323/109 of the Indian Penal Code.

And

In Re : Ashraful Hoque @ Ashrabul Hoque
 petitioner

Mr. Hillol Saha Podder
 for the petitioner

Mr. Ujjal Lucksun
 for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody for 97 days. The other co-accused were granted anticipatory bail by the learned Session Court. The present case was started on 31.05.2020 as a counterblast to a prior proceeding initiated from the petitioner's side on 22nd May, 2020. A charge-sheet has been submitted in this case.

Learned counsel appearing on behalf of the State opposes the prayer for bail and relies on the statement of the victim girl, a student of class IX, recorded under Section 164 of the Code.

Considering the nature of allegations, the length of custody already suffered by the petitioner and the fact that anticipatory bail was granted to the co-accused, I am inclined to allow the application for bail.

The petitioner shall be enlarged on bail upon furnishing a bond of Rs.10,000/- (ten thousand only) with two sureties of like amount, one of whom must be local to the satisfaction of the learned Special Judge, POCSO Court cum Additional Sessions Judge, 2nd Court, Cooch Behar. In view of the nature of allegations, it is directed that the petitioner shall reside outside the jurisdiction of Pundibari Police Station and shall not enter such jurisdiction except for the purpose of meeting the Investigating Officer or for attending the Court.

(Jay Sengupta, J.)

