

30 21.10.2020
rkd Ct. no.03
(Allowed)

C.R.M. 8328 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **English Bazar** P.S. Case No. **681 of 2020** dated **15/08/2020** under Sections **363/365** of the Indian Penal Code and under Section **6** of the POCSO Act.

And

In the matter of: Samirul Hoque

....petitioner.

Mr. S. Saha

...for the petitioner.

Mr. I. Ali,
Mr. M. F. A. Begg

...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.

Petitioner is in custody for 68 days.

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

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the submission that there was a love affair between the parties and as the victim had already been recovered, 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 Chief Judicial Magistrate, Malda subject to the

condition that during bail he shall appear before the learned trial court regularly till disposal of the trial 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.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)