

16.02.2020
SL No.16
Saswata

CRM 9233 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chandipur** P.S. Case No. **147/2020** dated **01.07.2020** under Sections **363/376(3)** of the Indian Penal Code read with Sections 4/8 of the POCSO Act.

And

In the matter of: **Sk. Mohammad Hojaiffa**

....Petitioner.

Mr. Rejaul Alam

...for the

Petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

It is submitted on behalf of the petitioner that there was a free mixing between the parties.

Learned lawyer for the State opposes the prayer for bail.

The allegation of sexual assault on the minor may be assessed in the light of the aforesaid submission relating to free mixing between young persons. In such circumstances and in view of the period of detention suffered by the petitioner, i.e., 169 days, we are inclined to grant him bail.

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 under POCSO Act, Purba Medinipur 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.)