

07.12.2020
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allowed

**CRM 9923 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hemtabad Police Station Case No. 159 of 2020 dated 07.08.2020 under Sections 365/376/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Rahul Ali petitioner

Mr. Jisan Iqubal Hossain
.....for the petitioner

Mr. N. Ahmed, learned A.P.P.
..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the petitioner has been falsely implicated in the instant case. It is also submitted that he is in custody for 124 days and investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submissions made on behalf of the petitioner relating to false implication and keeping in mind the period of detention suffered by the petitioner and as investigation is complete, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Uttar Dinajpur,

subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)