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CRM 5289 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No.32 of 2019 dated 30.01.2019 under Sections 376/506 of the Indian Penal Code and Section 4 of the POCSO Act. 2012.

And

In the matter of: Kasem Ali Molla

....Petitioner.

Mr. Hillol Saha Podder

...for the Petitioner.

Mr. Nilay Chakraborty

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner is in custody for 244 days.

It is further submitted that on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case. There is delay in lodging FIR.

Learned lawyer 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 submission there is inordinate delay in lodging FIR and in view of the protracted period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Mathabanga subject to condition that the petitioners 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 fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 5289 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)

