

09.12.2021.  
105.  
as  
(Allowed)

**C.R.M. 5789 of 2021**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah P. S. Case No.64 of 2021 dated 01.04.2021 under Sections 363/365 of the Indian Penal Code and Sections 4/12 of the POCSO Act.

In the matter of : Md. Abdul.

.... Petitioner.

Mr. Dev Kr. Sharma.

...for the Petitioner.

Mr. Sujjan Chatterjee.

...for the State.

Mr. Soujanya Bandyopadhyay.

...for the de-facto complainant.

It is submitted on behalf of the petitioner that there was a personal dispute between the parties. Petitioner had not ravished the victim.

Learned Advocate appearing for the State opposes the prayer for bail and produces the Case Diary.

Learned Advocate appearing for the de-facto complainant submits that they have no objection, if the bail is granted.

We have considered the materials on record including the statement of the victim girl. Allegation of rape is absent in the said statement.

Under such circumstances and in view of the aforesaid facts, we are inclined in granting bail to the petitioner.

Accordingly, 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 the POCSO Act,

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

In the event the petitioner fails to appear before the Trial Court without any 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, being C.R.M.5600 of 2021, is disposed of.

**(Bivas Pattanayak,J.)**

**(Joymalya Bagchi, J.)**