

CRM 6498 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nakashipara** P.S. Case No. **391** dated **09.08.2021** under Section **6 of the POCSO Act.**

And

In the matter of: **Ainuddin Sk.**

....Petitioner

Mr. Koustav Bagchi
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Debayan Ghosh

...for the Petitioner

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali

...for the State.

The petitioner is in custody for 137 days. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. There is a significant departure in the statement of the victim recorded under section 161 of the Code of Criminal Procedure and that before the Magistrate under Section 164 of the Code of Criminal Procedure.

In view of the aforesaid dichotomy and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

The prayer for bail is, thus, allowed.

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, Special Court under POCSO Act, Nadia, Krishnagar, subject to the condition that he shall appear before the learned trial court

regularly on every date of hearing and 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.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)