

08.11.2021
Serial no.11
Ct. No. 29
Aloke

(Through Video Conference)

CRM 6747 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2021 in connection with Kakdwip Police Station Case No. 35 of 2021 dated 05.02.2021 under Sections 376/511 of the Indian Penal Code read with Section 10 of the POCSO Act.

-And-

In the matter of : Mostafa Gazi

... ..Petitioner

Mr. P.S. Mondal, Advocate

... .. For the Petitioner

Mr. Tanmay Kr. Ghosh, Advocate

Mr. Arabinda Manna, Advocate

... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that considering the tenure of the detention of the petitioner and considering the fact that police filed charge-sheet, prayer for bail should be granted. Moreover, he highlights the charges against the petitioner made in the charge-sheet. He submits that such charges cannot be sustained in the facts of the present case.

Learned Advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Code of Criminal Procedure of the victim girl.

Considering the fact that the petitioner is in custody for more than nine months and considering the fact that the police completed investigation and submitted charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court & Special Court under POCSO Act,

Kakdwip, South 24 Parganas, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM 6747 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)