

07.12.2021
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allowed

**CRM 7942 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 605 of 2021 dated 20.07.2021 under Section 6 of the POCSO Act.

And

In Re : Amenul @ Amerul Islam petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy

..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 104 days. It is further submitted that the cohabitation continued for four months and the victim girl did not protest to such cohabitation.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim is a minor and had been threatened that her objectionable pictures will be shown to others.

We have considered the materials on record. Cohabitation continued for a protracted period of time. No contemporaneous evidence to support the allegation of taking objectionable pictures has been placed on record.

In view of the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, 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 Judge, Special Court under POCSO Act, Chanchal, Malda, 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)