

20.12.2021
Sl. No.134
akd
[ALLOWED]

C. R. M. 8286 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2021 in connection with Ratua Police Station Case No. 492 of 2021 dated 16.09.2021 under Section 376D of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Rahimul @ Rohimul***

... .. Petitioner

Mr. Ayan Basu
Mr. Soupal Chatterjee
Mr. Sumit Routh

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Ms. Sonali Bhar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 43 days. It is further submitted that investigation is complete. It is also submitted that allegation of kidnap of the minor is out and out false.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Allegation of kidnapping and rape requires to be assessed in course of trial in the light of the statement of the employees of a hotel wherein it is alleged that the victim along with others had gone for lunch do not speak of any coercion or undue influence on the victim. In view of the aforesaid facts and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rahimul @ Rohimul***, 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 the POCSO Act, Chanchal, Malda subject to condition that the said 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 or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)