

20.12.2021
cm/ct 28
sl no. 149

C.R.M. 8351 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal P.S Case No. 1035 of 2020 dated 07.11.2020 under Section 6 of the Protection of Children from Sexual Offences Act & Sections 506/34 of the Indian Penal Code.

And

Allowed

In Re : Anwarul Hoque @ Anwarul @ ekramul
..... petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt
Mr. Sauvik Dere

..... for the petitioner

Ms. Z.N. Khan
Md. Kutubuddin

..... for the State

It is submitted on behalf of the petitioner that he is in custody for 166 days. Investigation is complete. He renews his prayer for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Credibility of the allegation of forcible rape of the victim requires to be assessed during trial in the light of the aforesaid submission regarding amorous relationship between the parties. Medical reports do not disclose a case of forcible abortion.

In view of the aforesaid facts and period of detention suffered by the petitioner, we are of the opinion he may be granted bail.

Accordingly, 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, Chanchal, Malda on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being CRM 8351 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)