

20.12.2021
179
sdas
allowed

CRM 8461 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazol Police Station Case No. 417 of 2021 dated 27.05.2021 under Section 6 of POCSO Act.
And

In Re : Motilal Mardi petitioner

Mr. Tapan Datta Gupta
Mr. Parvej Anam

.....for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 155 days. It is further submitted that there is a love affair between the parties.

Learned Counsel appearing for the State opposes prayer for bail and produces the case diary.

We have considered the materials on record including the statement of the victim girl who also admits to a love affair between herself and the petitioner.

In view of the aforesaid fact, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail.

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, 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.)