

02.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(DB) 199 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **BDN Women** Police Station Case No. **31** of **2021** dated **23.12.2021** under Sections 376/313/417/323 of the Indian Penal Code, 1860 and Section 8 of the POCSO Act, 2012.

And

In Re : Md. Samsul Islam

..... petitioner

Mr. Milon Mukherjee

Mr. Usof Ali Dewan

Mr. Asif Dewan

.....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

....for the State

Petitioner seeks bail.

Learned senior advocate appearing for the petitioner submits that, the police complaint relates to an incident of 2012. He submits that, the petitioner was falsely implicated. He also submits that, the petitioner is in detention for 45 days.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Considering the period of detention of the petitioner and considering the 164 Cr. P.C. statement of the victim where she admits the relationship with the petitioner, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Barasat, North 24-Parganas**, 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.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)