

15.02.2022
Serial no.39
Aloke
Ct. No. 29

CRM (DB) 426 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.02.2022 in connection with Bishnupur P.S. Case No. 174 of 2021 dated 11.11.2021 under Sections 363/365 of the Indian Penal Code and charge-sheet filed under Sections 363/365 of the Indian Penal Code and Section 4(2) of the POCSO Act.

-And-

In the matter of : Sk Mojammal @ Pakhi @ Khojammal Sk @ Sk Mojammel

... ..Petitioner

Mr. Samiran Mandal, Advocate

Mr. Abhinaba Dan, Advocate

... .. For the Petitioner

Mr. S.S. Imam, Advocate

Mr. S. Kundu, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that there was a relationship between the petitioner and the victim. The victim went with the petitioner on her own.

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. He submits that today is the date fixed for the purpose of framing of charges.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure where she admits that she went with the petitioner voluntarily and considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional District and Sessions Judge, Special Court under POCSO, Bishnupur,

Bankura, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 426 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)