

22.04.2022
Serial no.74
KS

CRM(DB) 1062 of 2022

In re: An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No.520 dated 08.09.2021 under Sections 376DA/506 of the Indian Penal Code and 6 of the POCSO Act.

-And-

In the matter of: **Mostakin Sahaji**

Mr. Y. Mondal

Mr. P. Ray

.....for the Petitioner

Ms. Zareen N. Khan

Mr. A. Das

.....for the State

Petitioner prays for bail.

Learned advocate for the petitioner submits that the petitioner is in custody for 225 days. He refers to the evidence of the victim girl. He submits that in Examination in Chief the victim girl stated that the petitioner alongwith another person physically assaulted her. Neither the petitioner nor the another person did anything else to her.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Considering the evidence of the victim at trial in examination in chief and considering the period of detention of the petitioner, we are inclined to grant the 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, POCSO Act, 2012, Barasat 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 any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM(DB) 1062 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)