

71 28.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 1129 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**110 of 2022** dated **26/03/2022** under Sections **376(3)/120B** of the Indian Penal Code and **6** of POCSO Act.

And

In the matter of: Asrad Sk alias Arsad Ali Sk

....petitioner.

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Krishan Ray
Mr. Sourav Mukherjee
Mr. Souvik Das

...for the petitioner.

Md. Anwar Hossain
Ms. Ratna Ghosh

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 32 days. He submits that the son of the petitioner was enlarged on anticipatory bail by this Hon'ble Court. He refers to the order dated April 20, 2022 passed in CRM (A) 1696 of 2022. He contends that the son of the petitioner and the victim were in a relationship. The victim allegedly went missing without any police complaint being lodged. The present police complaint was lodged with a delay of about six months.

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.

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure was considered while granting anticipatory bail to the son of the petitioner on April 20, 2022 in CRM (A) 1696 of 2022. The photographs of the relationship between the petitioner and the victim were produced at that

material point of time.

Considering the statement of the victim and considering the photographs annexed to the petition for anticipatory bail of the son of the petitioner, this Hon'ble Court granted anticipatory bail to the son of the petitioner.

Consequently, considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the son of the petitioner was enlarged on anticipatory bail on April 20, 2022 in CRM (A) 1696 of 2022 and considering the period of detention of the petitioner, we 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 Judge, Special Court under POCSO Act, Tehatta, Nadia, subject to the condition that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (DB) 1129 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)