

08.06.2022
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allowed

CRM(DB) 1406 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 1132 of 2021 dated 01.12.2021 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Helaluddin Sk. petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Aniket Mitra

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between two young persons and he has been falsely implicated in the instant case. It is also submitted that investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl in the light of the aforesaid submission made on behalf of the petitioner.

In view of the aforesaid facts and the period of detention suffered by the petitioner i.e. 182 days, we are inclined in granting bail to him.

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, Uttar Dinajpur, 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.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)