

15.06.2022

cm/ct 28

sl no. 35

**C.R.M. (DB) No.1442 of 2022**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar P.S. Case No. 26/2021 dated 16.01.2021 under sections 376AB of the Indian Penal Code read with sections 6 POCSO Act.

And

In Re : Md. Shahzad

..... petitioner

Mr. Bitasok Banerjee

Mr. Abdus Salam

..... for the petitioner

Mr. Bidyut Roy

Mr. Sima Biswas

..... for the State

Report is placed on record.

It appears that victim has been notified.

Petitioner renews his prayer for bail. He submits that the vital witnesses i.e. mother and victim girl have not supported the prosecution case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the evidence of mother and the victim girl. The mother did not support the case and turned hostile. Victim a five year old girl hardly spoke anything in court.

In view of the unfortunate state of affairs where the victim and another witness have turned hostile, we do not find any purpose to detain the petitioner.

Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned

Special Judge under POCSO Act, Chandannagar, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No.1442 of 2022 is disposed of.

**( Ananya Bandyopadhyay, J. )**

**( Joymalya Bagchi, J.)**