

10.06.2022
Sl. No.53
akd
[ALLOWED]

C. R. M. (DB) 1555 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2022 in connection with Manikchak Police Station Case No. 349 of 2021 dated 12.09.2021 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Sk. Mister**

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 250 days. It is further submitted there was a love affair between the parties. Victim has already been examined.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner is an uncle to the minor girl by village courtesy.

We have considered the materials on record including evidence of the minor who admitted there was a love affair between the parties. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sk. Mister**, 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 the POCSO Act, Malda subject to condition that the said petitioner shall appear before the trial court on every date of hearing

until further orders 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)