

16.06.2022
SL No.38
Saswata
Ct.28
(Allowed)

CRM (DB) 1741 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Baruipur** P.S. Case No. **1652/2021** dated **19.09.2021** under Sections **363/365/506/34** of the **Indian Penal Code** and adding **Sections 376(3)(2)(n)** of the **Indian Penal Code** and **Section 6** of the **POCSO Act, 2012**.

And

In the matter of: **Samser Ali Haider @ Shamsher Ali**

....Petitioner

Mr. Jaydeep Biswas

Mr. Soumyadeep Das

...for the Petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

...for the State.

Affidavit of service and the report from the investigating agency notifying the victim is taken on record.

It is submitted on behalf of the petitioner there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in light of the submission that there was a love affair between two young persons and keeping in mind the period of detention suffered by the petitioner, i.e., 206 days, we are inclined to grant bail to the petitioner.

The prayer for bail is, thus, allowed.

Let the petitioner 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 under POCSO Act, Baruipur, South 24 Parganas subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and 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 application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)