

23.06.2022.
50.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1989 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.987 of 2021 dated 15.09.2021 under Sections 498A/323/34 of the Indian Penal Code and adding Section 10 of Prevention of Child Marriage Act and Section 4 of POCSO Act.

In the matter of : Hasnat Momin.

.... Petitioner.

Mr. Debabrata Mondal,
Ms. Sonali Das,
Ms. Sreetama Neogi.

...for the Petitioner.

Mr. Sryati Dutta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 119 days. Investigation is complete. It is further submitted that petitioner and the de-facto complainant entered into lawful matrimony under personal law.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner and the victim girl entered into marriage under personal law.

In view of the aforesaid fact and as allegations of torture are general and omnibus and investigation is complete, we are inclined to grant bail to him.

Accordingly, the petitioner shall 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 Chief Judicial Magistrate, Malda subject to condition that the 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)