

27.06.2022
32
sdas
allowed

CRM(DB) 2011 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 122 of 2022 dated 06.02.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sagar Sk. @ Naj bul Sk. @ Sekh petitioner

Mr. Sumanta Das

.....for the petitioner

Mr. Joydeb Roy

Mr. Mirza Firoj Ahmed Begg

..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. He has been falsely implicated in the instant case. He is in custody for 98 days and investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the victim is a minor.

We have considered the materials on record. Keeping in mind the nature of allegations in the light of the submission that there was a love affair between two young persons, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Nadia at Krishnagar, subject to the condition

that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)