

01.07.2022.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2086 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cossipore P. S. Case No.34 of 2014 dated 01.02.2014 under Sections 341/376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Sk. Asfar Ali

.... Petitioner.

Mr. Deepak Prahladka.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about eight years. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. She submits victim was a deaf and dumb girl. Trial is at the fag end.

We have considered the materials on record including the evidence of the victim lady. She does not support the prosecution case of rape.

In view of the aforesaid evidence on record and protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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 Judge, Special Court under the POCSO Act, Alipore, South 24-Paraganas 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.)