

05.07.2022
29
sdas
allowed

CRM(DB) No. 2112 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Women Police Station Case No. 39 of 2021 dated 05.03.2021 corresponding POCSO Case No. 36 of 2021 under Section 4 of the POCSO Act.

And

In Re : Hadaitul @ Hadaitul Islam @ Md. Asif @ Asif Sk. petitioner

Mr. Kalidas Saha

.....for the petitioner

Mr. Joydeep Roy
Mr. Amanul Islam

..... for the State

Petitioner is in custody for 420 days.

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. Mother of the victim objected and falsely implicated the petitioner in the crime.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of uploading objectionable pictures of the victim is not supported by electronic evidence.

In view of the aforesaid facts and period of detention suffered by the petitioner, 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 Judge, Special Court under POCSO Act, Malda, 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.)