

07.07.2022
33
sdas
allowed

CRM(DB) No. 2155 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baduria Police Station Case No. 33 of 2022 dated 21.01.2022 under Sections 376AB/511/354B of the Indian Penal Code and under Section 8 of the POCSO Act.

And

In Re : Afsar Gazi @ Apchar Gazi petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam

.....for the petitioner

Ms. Zareen N. Khan
Mr. Asoke Das
Mr. Habib Hassan

..... for the State

Learned Counsel appearing for the petitioner submits that his client is in custody for 160 days. It is also submitted that the petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record including the statement of the victim girl.

In view of the aforesaid facts and circumstances of the case, period of detention suffered by the petitioner and as investigation is complete, 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, Basirhat, 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.)