

08.07.2022.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2174 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bolpur P. S. Case No.25 of 2016 dated 03.02.2016 under Sections 363/366/376(2)(1) of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Tapas Kumar Hazra @ Tapas Hazra.
.... Petitioner.

Mr. Mofakkerul Islam,
Md. Ban Israil,
Md. Shakil.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das,
Ms. M. Sultana.

...for the State.

Heard the learned Counsel appearing on behalf of the petitioner.

Petitioner is in custody for about 133 days. It is submitted there was a love affair between the petitioner and the victim. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. She submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. Statement of the victim girl endorses the aforesaid submission with regard to amorous relationship between the parties. Keeping in mind the aforesaid facts, we are of the opinion further detention may not be necessary but movement of the petitioner requires to be restricted to ensure his attendance during trial.

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 Additional Chief Judicial Magistrate, Suri, Birbhum subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Bolpur Police Station except for the purpose of attending court proceeding and shall report to the Officer-in-charge, Bolpur Police Station once in a week until further orders.

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.)