

12.07.2022
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allowed

CRM(DB) No. 2267 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni Police Station Case No. 38 of 2022 dated 21.03.2022 under Sections 6/17 of the POCSO Act and subsequently charge-sheeted under Section 4 of the POCSO Act.

And

In Re : Samim Aktar petitioner

Mr. Mrityunjoy Chatterjee
Mr. Kaushik Dey

.....for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra
Ms. Jonaki Saha

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 110 days. It is also submitted that there was a love affair between the parties and the petitioner has been falsely implicated in the instant case. 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. Statement of the minor victim endorses the submission regarding amorous relationship between two young persons.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

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, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)