

15.07.2022
Item No.36
Court No.28
CHC
Allowed

CRM (DB) 2337 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No.758/2022 dated 16.05.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of Prevention of Children from Sexual Offences Act.

-And-

In the matter of : **Noor Alam @ Alam Sk.**

... .. Petitioner

Ms. Minoti Gomes, Advocate

... .. For the Petitioner

Mr. S. S. Imam, Advocate

Mr. Arabinda Manna, Advocate

... ...For the State

It is submitted that victim has not identified the assailant.
Petitioner is in custody for 38 days and investigation is complete.

Learned advocate for the State opposes the prayer for bail.

We have considered the statement of the victim girl. She does not identify the person who kidnapped and committed rape on her. Petitioner was arrested on the basis of suspicion. Investigation is complete. Under such circumstances, we are inclined to grant him bail.

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 Special Court, Additional District Judge, 2nd Court, 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.)