

18.07.2022
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allowed

CRM(DB) No. 2341 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 50 of 2020 dated 11.02.2020 under Section 363 of the Indian Penal Code and subsequently charge-sheet submitted under Section 366 of the Indian Penal Code and under Section 4 of the POCSO Act.

And

In Re : Sariful Islam Dhali petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas

.....for the petitioner

Mr. Saswata Gopal Mukherjee, learned P.P.
Mr. Aniket Mitra

..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. It is also submitted that petitioner is in custody for 115 days.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that victim is a minor.

We have considered the materials on record. Plea of amorous relationship is admitted by the victim in her statement under Section 164 of the Code of Criminal Procedure.

Under such circumstances and in view of period of detention suffered by the petitioner, 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, Barasat, North 24 Parganas, 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.)