

26.08.2022.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2867 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shasan P. S. Case No.17 of 2022 dated 18.01.2022 under Sections 376/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Alamgir Hossain.

.... Petitioner.

Mr. Mrinal Kanti Mukherjee.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 102 days. He submits he had married the victim girl under Personal Law. She left the matrimonial home and notice was issued upon her. She responded to the notice and thereafter falsely implicated him in the case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of forcible rape and compelling her to sign on blank papers require to be assessed in the light of the aforesaid submissions made on behalf of the petitioner.

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

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 Judge, Special Court under the POCSO Act, Barasat, North 24-Paraganas 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.

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.)