

06.09.2022.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3013 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P. S. Case No.160 of 2022 dated 17.03.2022 under Sections 363/365/34 of the Indian Penal Code and charge sheet submitted under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Dilwar Hossain.

.... Petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatoon.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Petitioner is in custody for 165 days. He submits he had a love affair with the victim girl. He has been falsely implicated in the instant case. He prays for bail.

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. She supports the submission there was a love affair between two young persons. Keeping in mind the aforesaid fact 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, Raiganj, Uttar Dinajpur 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)