

22.09.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 3205 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2022 in connection with Goghat Police Station Case No. 82 of 2022 dated 02.04.2022 under Sections 363/365/376(2)(n)(3) of the Indian Penal Code and Section 6(1) of the POCSO Act.

And

In Re: ***Samirul Ali Mallick @ Samir Mallick***
... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Suman Chakraborty
... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 100 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits victim is a minor girl and had become pregnant.

We have considered the materials on record. Statement of the victim is exonerative in nature. Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Samirul Ali Mallick @ Samir Mallick***, 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 the POCSO Act-cum-Additional

Sessions Judge, Arambagh, Hooghly subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)