

28.09.2022.
26. SL
as
(Allowed)

C.R.M. (DB) 3291 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan P. S. Case No.505 of 2021 dated 14.10.2021 under Sections 363/365/376(3) of the Indian Penal Code and Section 4(2) of the POCSO Act.

In the matter of : Akkar Ali Mir @ Akkash Ali Mir.
.... Petitioner.

Mrs. Devi Priya Mitra.
...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.
...for the State.

Mrs. Manasi Roy.
...for the de-facto complainant.

Petitioner is in custody for 151 days. It is submitted there was a love affair between the parties and he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and produces the Case Diary.

Learned Advocate for the de-facto complainant appears and does not oppose the prayer for bail.

We have considered the materials on record. There was a love affair between two young persons. Victim is in the family way.

Under such circumstances, 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 Additional Chief Judicial Magistrate, Uluberia, Howrah 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)