

30.09.2022.
38.
as
(Allowed)

C.R.M. (DB) 3458 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.05 of 2022 dated 06.01.2022 under Section 417 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

In the matter of : Sk. Moinuddin @ Bulbul.
.... Petitioner.

Mr. A. K. Adhya.
...for the Petitioner.

Mr. B. Panda,
Ms. P. Saha.
...for the State.

Petitioner is in custody for 264 days. It is submitted there was a love affair between the parties.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Her statement discloses a love affair between the parties.

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.)