

29.09.2022
tkm/ct 28
sl no. 113

C.R.M. (DB) 3430 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda P.S case no. 155 of 2022 dated 7.4.2022 under sections 363/365/328 of the IPC read with section 6 of the POCSO Act

and

Allowed

In Re : Mahabub Momin @ Aman

..... petitioner

Ms. M Gomes

..... for the petitioner

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

..... for the State

Petitioner is in custody for 90 days. It is submitted there was a love affair between the parties. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Allegation of forcible rape requires to be assessed in the light of the submission that there was love affair between the parties. No electronic evidence with regard to objectionable video is placed before us.

Under such circumstances and period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ADJ, 2nd court Malda on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 3430 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)