

30.09.2022.
49.
as
(Allowed)

C.R.M. (DB) 3469 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagar P. S. Case No.221 of 2019 dated 23.12.2019 under Sections 376/417 of the Indian Penal Code and under Section 4 of the POCSO Act and charge sheet submitted under Sections 376/417 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Sk. Jakir Hossain @ Sk. Jakir Hossan @
Jakir Hossain.

.... Petitioner.

Mr. K. K. Basu,
Mr. A. S. Das,
Mr. D. Samanta,
Md. J. Ul Firdous,
Ms. T. Mazumder.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. A. Das.

...for the State.

Petitioner is in custody for 1006 days. It is submitted there was a love affair between the parties. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. After rejection of bail evidence of the victim girl (PW1) has been recorded. She corroborates the statement of the petitioner there was a love affair between themselves.

In view of the aforesaid circumstances and the protracted 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 locale, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas 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.)