

23.11.2022
SI. No.29
akd
[ALLOWED]

C. R. M. (DB) 3904 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.11.2022 in connection with Manikchak Police Station Case No. 430 of 2022 dated 12.08.2022 under Sections 341/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Sk. Dolon @ Sk. Nasiruddin**

... .. Petitioner

Ms. Minoti Gomes
Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

... .. for the petitioner

Mr. P. K. Datta
Ms. Kum Kum Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 140 days.

Affidavit of service is placed on record. Nobody appears on behalf of the minor victim.

From the materials on record it appears there was a love affair between the parties. In view of the aforesaid fact and 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 **Sk. Dolon @ Sk. Nasiruddin**, 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, 2nd Court, Malda 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.)