

15.11.2022.
19.
as
(Allowed)

C.R.M. (DB) 3954 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua P. S. Case No.378 of 2022 dated 15.07.2022 under Section 4 of the POCSO Act.

In the matter of : Ashikul Alam @ Asikul Alam.
.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Arup Sarkar,
Mr. Sourav Mukherjee.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.
...for the State.

Petitioner is in custody for 55 days. He submits there was a love affair between the parties. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits victim is a minor.

We have considered the materials on record. Statement of the petitioner with regard to an amorous relationship between the parties is reflected in the first information report.

Keeping in mind the aforesaid fact, period of detention suffered by him and as investigation is complete, 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 Judge, Special Court under the POCSO Act, Chanchal, Malda 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.)