

16.11.2022.
27.
as
(Allowed)

C.R.M. (DB) 3991 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P. S. Case No.268 of 2022 dated 19.07.2022 under Sections 376/417 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Mamon Shaikh.

.... Petitioner.

Mr. G. N. Imrohi.

...for the Petitioner.

Md. Anwar Hossain,
Ms. Ratna Ghosh.

...for the State.

It is submitted on behalf of the petitioner there was a love affair between the parties. He has been falsely implicated in the instant case. He is in custody for 62 days.

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 victim endorses the submission that there was a love affair between the parties.

Under such circumstance and in view of the period of detention suffered by him, 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,

Lalbag, Murshidabad subject to condition he they 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.)