

16.11.2022.
29.
as
(Allowed)

C.R.M. (DB) 3993 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hemtabad P. S. Case No.158 of 2022 dated 12.05.2022 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Masud Ali @ Tiki @ Multan.
.... Petitioner.

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh.
...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.
...for the State.

Petitioner is in custody for 174 days. It is submitted there was a love affair between the parties. It is further submitted allegation of kidnapping as per FIR is contradicted by the victim lady in her statement recorded under Section 164 of the Code of Criminal Procedure. He accordingly prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. While in the first information report it is alleged victim was kidnapped when she went out to attend computer classes, in her statement recorded under Section 164 of the Code of Criminal Procedure, she claimed she left with the petitioner from her residence.

Keeping in mind the aforesaid dichotomy and the aforesaid submission there was a love affair between the parties, 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, Raiganj, Uttar Dinajpur subject to condition 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.)