

23.11.2022
SI. No.32
akd
[ALLOWED]

C. R. M. (DB) 4065 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.11.2022 in connection with Domkal Police Station Case No. 136 of 2022 dated 08.03.2022 under Sections 376(1)/328/34 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Tohidul Islam**

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 94 days. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits victim was a minor. Petitioner cohabited with her but refused to marry. Thereafter, she was made to consume hair oil.

We have considered the materials on record. Though it is contended victim was treated by a quack doctor, statement of the said doctor is not placed before us. Statement of the victim refers to a love affair between the parties. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Tohidul Islam**, 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, Berhampore, Murshidabad 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.)