

24.11.2022
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allowed

CRM(DB) No. 4128 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bakultala Police Station Case No. 203 of 2022 dated 13.07.2022 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/120B of the Indian Penal Code and Section 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Mijanur Rahaman Molla @ Raju petitioner

Md. Sabir Ahmed
Mr. Indrajit Chatterjee
Mr. Abdur Rakib

.....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Ms. Mausumi Sarkar

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 62 days. It is also submitted that there was a love affair between the parties. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor victim shows there was a love affair between the parties. In view of the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that 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 POCSO

Act, Baruipur at South 24 Parganas, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)