

29.11.2022.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4181 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beniapukur P. S. Case No.321 of 2022 dated 25.07.2022 under Sections 376(3) of the Indian Penal Code and Sections 4/6 of the POCSO Act.

In the matter of : Shoail Akhtar.

.... Petitioner.

Md. Wasim Akram.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for 126 days. It is submitted there was a love affair between the parties. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim was a minor. She became pregnant due to cohabitation.

We have considered the materials on record. Allegations against the petitioner require to be assessed in the light of the submission that there was a love affair between two young persons. Investigation is over.

In view of the aforesaid circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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, Sealdah, South 24-Paraganas 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.)