

29.11.2022.
36.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4192 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P. S. Case No.334 of 2022 dated 13.08.2022 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Sadikul Sk.

.... Petitioner.

Mr. Rana Mukhopadhyay.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui.

...for the State.

Petitioner is in custody for 103 days. He submits 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 is a minor.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure endorses the submission of the petitioner that there was a love affair between them.

Under such circumstances and in view of the period of detention suffered by him and as investigation is complete, 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, Malda 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.)