

06.12.2022
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 4287 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2022 in connection with Bamongola Police Station Case No. 180 of 2022 dated 07.07.2022 under Section 6 of the POCSO Act.

And

In Re: **Biswajit Das**

... .. Petitioner

Mr. Mazhar Hossain Chowdhury

... .. for the petitioner

Mr. Atif Ahmed Siddiqui

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 127 days. It is further submitted there was a love affair between the parties.

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

We have considered the materials on record. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Biswajit Das**, 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-cum-Additional Sessions Judge, 2nd Court, Malda 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.)