

06.12.2022
39
sdas
allowed

CRM(DB) No. 4296 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Polba Police Station Case No. 76 of 2022 dated 04.05.2022 under Sections 366/376(2)(n) of the Indian Penal Code read with Section 6(1) of the POCSO Act and Section 9 of the Prevention of Child Marriage Act.

And

In Re : Sameer Hossain @ Samir Hossain petitioner

Mr. Sujan Chatterjee
Mr. Sanat Kumar Das
Ms. Souparna Sinha

.....for the petitioner

Ms. Anasuya Sinha
Ms. Subhashree Patel

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 146 days. It is also submitted that the victim girl had voluntarily left her parental home and met the petitioner. He prays for bail.

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

We have considered the materials on record. Victim girl had voluntarily left her parental home. Keeping in mind the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner viz. Sameer Hossain @ Samir Hossain 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, Hooghly, 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.)