

06.12.2022

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Allowed

C.R.M. (DB) No. 4298 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 921 of 2022 dated 15.10.2022 under Section 4 of the POCSO Act.

And

In Re : Abu Taleb @ Abu Taleb Islam

..... petitioner

Mr. Kallol Mondal

Mr. Krishan Roy

Mr. Souvik Das

Ms. Sabnam Laskar

.....for the petitioner

Ms. Z. N. Khan

Md. Kutubuddin

....for the State

Md. Abdur Rakib

.... for the de facto complainant

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 60 days. It is also submitted that there was a love affair between two young persons. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim was a minor.

Learned Counsel appearing for the de facto complainant submits petitioner promised to marry the victim and cohabited with her.

We have considered the materials on record. Statement of the victim endorses the submission that there was a love affair between two young persons.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail, however, subject to strict conditions.

Accordingly we direct that the petitioner viz. Abu Taleb @ Abu Taleb Islam shall 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-cum-Additional Sessions Judge, Chanchal, Malda, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter the jurisdiction of Hrishchandrapur Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge of Hrishchandrapur Police Station within whose jurisdiction he shall presently reside once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

