

14.12.2022
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 4384 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2022 in connection with Harwood Point Coastal Police Station Case No.265 of 2022 dated 08.07.2022 under Sections 363/365 of the Indian Penal Code and Section 6(1) of the POCSO Act.

And

In Re: **Sakir Hosain Paik**

... .. Petitioner

Ms. Subhasree Patel
Mr. Saikat Mondal

... .. for the petitioner

Mr. Joydeep Roy
Mrs. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 121 days.

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

We have considered the materials on record. Statement of the victim girl is exonerative in nature. Under such circumstances and in view of 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 **Sakir Hosain Paik**, 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, 1st Court, Kakdwip, South 24-Parganas 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.)