

19.12.2022
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 4456 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Harishchandrapur Police Station Case No.930 of 2022 dated 07.10.2022 under Sections 363/365/109 of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.2816 of 2022)

And

In Re: **Hannan**

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Ms. Sabnam Laskar

... .. for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 70 days. It is further submitted petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Statement of the victim girl does not implicate the petitioner. 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 **Hannan**, 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, Chanchal, 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.)