

19.12.2022
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 4457 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Baishnabnagar Police Station Case No.919 of 2022 dated 20.10.2022 under Sections 417/506/34 of the Indian Penal Code read with Sections 9/10 of the Prohibition of Child Marriage Act and Section 12 of the POCSO Act.

And

In Re: ***Habibur Rahaman***

... .. Petitioner

Mr. Kalidas Saha

... .. for the petitioner

Mr. Soumik Ganguli

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 45 days. It is further submitted petitioner is not the principal accused.

Learned Advocate appearing for the State produces the case diary.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as the principal accused is on bail, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Habibur Rahaman***, 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 District 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.)