

18.01.2023.
12.
as
(Allowed)

C.R.M. (DB) 79 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.1169 of 2022 dated 11.10.2022 under Section 6 of the POCSO Act read with Sections 506/34 of the Indian Penal Code.

In the matter of : Mohammed Sekh.

.... Petitioner.

Mr. Rana Mukhopadhyay,
Mr. Rhiddhiman Mukherjee.

...for the Petitioner.

Mr. Siladitya Banerjee.

...for the State.

Affidavit of service filed in Court today be kept on record.
Intimation has also been sent to the victim. Nobody appears for the victim.

Petitioner is in custody for 113 days. It is submitted there was a love affair between the parties. They had married. Investigation is complete. He prays for bail.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Statement of the victim shows that the parties cohabited and victim became pregnant. It is contended there was a love affair between two young persons.

In view of the aforesaid circumstances and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Mohammed Sekh 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 Chief Judicial Magistrate, Malda subject to the condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)