

16.01.2023.
37.
as
(Allowed)

C.R.M. (DB) 141 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal P. S. Case No.443 of 2022 dated 14.10.2022 under Section 506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Sk. Rafik Ali @ Sk. Rafik.

.... Petitioner.

Mr. G. K. Das,
Ms. S. Mandal.

...for the Petitioner.

Mr. P. K. Dutta, Id. A.P.P.
Mr. S. Deb Roy.

...for the State.

Affidavit of service filed in Court today be kept on record.

Service upon the victim is complete. Nobody appears on behalf of the victim.

It is contended there was a love affair between the parties. They have married under personal law.

Learned Advocate for the State opposes the prayer for bail and produces the Case Diary. Statement of the victim girl corroborates the statement of the petitioner.

Under such circumstances and in view of period of detention suffered by the petitioner i.e. 122 days and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sk. Rafik Ali @ Sk. Rafik 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 Judge, Special Court under the POCSO Act, Kakdwip, South 24-Paraganas subject to 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 fail 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.)