

16.01.2023.
40.
as
(Allowed)

C.R.M. (DB) 146 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.707 of 2018 dated 26.09.2018 under Sections 305/509/34 of the Indian Penal Code.

In the matter of : Pasam Ali @ Pashom Ali @ Rafikul Islam.
.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Sourav Mukherjee,
Mr. Souvik Das.

...for the Petitioner.

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

...for the State.

Petitioner is in custody for about 48 days. Investigation is complete. He submits co-accuseds are on bail/anticipatory bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim is a minor. Petitioner had uploaded objectionable pictures of the victim on internet. He has absconded for four years.

We have considered the materials on record. No electronic evidence with regard to uploading of objectionable pictures of victim on social media is placed before us. No suicide note implicating the petitioner has been left behind by the victim. Co-accuseds are on bail/anticipatory bail.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to the strict conditions.

Accordingly, the petitioner, viz., Pasam Ali @ Pashom Ali @ Rafikul Islam 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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Harishchandrapur Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Harishchandrapur Police Station once in a week until further orders.

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.)