

25.01.2023
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 303 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Kaliachak Police Station Case No.242 of 2021 dated 04.03.2021 under Section 6 of the POCSO Act.

And

In Re: ***Hasim Abdul Halim @ Abdul Hasim***

... .. Petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor

Mr. Santanu Deb Roy

Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and ten months. It is further submitted vital witnesses including the mother of the victim have been examined. It is also submitted petitioner has been falsely implicated out of matrimonial dispute.

Learned Advocate for the State opposes the prayer for bail and submits victim is a two-year old child.

We have considered the materials on record. Mother of the victim has already been examined. It is contended petitioner has been falsely implicated due to matrimonial dispute. He is in custody for more than a year. Keeping in mind the aforesaid fact and as the victim's mother has already been examined, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hasim Abdul Halim @ Abdul Hasim***, 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 & Sessions 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.)