

13.03.2023.
29.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 430 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.100 of 2019 dated 16.03.2019 under Section 6 of the POCSO Act.

In the matter of : Ismail Hossain.

.... Petitioner.

Mr. Rana Mukhopadhyay,
Mr. Rhiddhiman Mukherjee.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Petitioner is in custody for more than a year. He submits there was a love affair between the parties. Vulnerable witness has been examined. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim is a minor. She had become pregnant.

We have considered the materials on record. Petitioner is in custody for a considerable period of time. Vulnerable witness i.e. minor has already been examined. She stated there was a love affair between two young persons.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Ismail Hossain 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,

Additional Sessions Judge, 2nd Court, Malda 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 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.)