

13.03.2023
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allowed

CRM(DB) No. 763 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thakurpukur Police Station Case No. 73 of 2022 dated 19.03.2022 under Sections 376/506 of the Indian Penal Code and Sections 4/6/8 of the POCSO Act.

And
In Re : Moidul Ahmed petitioner

Mr. Pawan Kumar Gupta
Mr. Subrata Saha
Mr. Monoh Kusni
Mr. A. Biswas
.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
..... for the State

Report is placed on record. It appears from the report that victim has been notified.

Nobody appears for the minor victim.

We have considered the materials on record. Though victim is minor it is contended there was a love affair between the parties. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner i.e. 341 days, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Sessions Judge, 2nd Court-cum-Special Judge under the POCSO Act at Alipore, South 24 Parganas, subject to condition that the petitioner shall appear

before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)