

22.03.2023.
37.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1044 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur P. S. Case No.353 of 2020 dated 30.07.2020 under Sections 363/365/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Anwar Shikari @ Anwar Sikari.

.... Petitioner.

Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Ms. Zareen N. Khan

Mr. Asif Dewan.

...for the State.

Petitioner is in custody for more than two years. He submits there was a love affair between the parties. Victim has been examined. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. We have also examined the deposition of the victim. Though victim is a minor, she stated there was a love affair between two young persons. She has already been examined.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz Anwar Shikari @ Anwar Sikari 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 District Judge, 2nd Court (Special Court, POCSO Act), Howrah 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.)