

28.03.2023
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allowed

CRM(DB) No. 1147 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 498 of 2021 dated 07.10.2021 under Section 6 of the POCSO Act and subsequently charge-sheet submitted under Sections 6/17 of the POCSO Act.

And

In Re : Firoj Sk. petitioner

Mr. Kazi Mokhlasur Rahman
....for the petitioner

Mr. S. S. Imam
Mr. R. Jana
.... for the State

Mr. Pravas Bhattacharya
.... for the defacto complainant

Learned Counsel for the petitioner submits there was a love affair between the parties. Petitioner has been falsely implicated. He prays for bail.

Learned Counsel for the State produces the case diary.

Learned Counsel for the defacto complainant does not oppose the bail prayer.

We have considered the materials on record. Victim is a minor. She alleged she was blackmailed and ravished. However, contrary version emerges from the submission of the petitioner. Defacto complainant also does not wish to oppose the bail prayer. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Judge, Special Court, Additional District Judge, 2nd court, Malda, subject to conditions that 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.)