

12.04.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 1212 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Dholahat Police Station Case No.584 of 2022 dated 28.12.2022 under Sections 366/376(2)(n)/379/506/411 of the Indian Penal Code and Section 6(1) of the POCSO Act.

And

In Re: ***Sabir Hossain Halder @ Sabir Halder***

... .. Petitioner

Mr. Gouranga Kumar Das

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor

Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 105 days. It is further submitted there was a love affair between the parties. Petitioner has been falsely implicated. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

Report is placed on record.

Nobody appears for the minor victim.

We have considered the materials on record. Though in the statement of the minor recorded under Section 164 of the Code of Criminal Procedure it is alleged that she was forcibly raped, the other materials on record show there was free mixing between two young persons. No electronic evidence with regard to obscene photographs as alleged in the statement of the victim girl has been collected during investigation. Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we

are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Sabir Hossain Halder @ Sabir Halder***, 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas 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.)