

12.04.2023
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 1220 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with English Bazar Police Station Case No.86 of 2022 dated 16.01.2022 under Sections 363/365/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Subir Singha**

... .. Petitioner

Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Mr. Amanul Islam

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 450 days. It is further submitted there was a love affair between two young persons. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Report is placed on record.

Nobody appears for the minor victim.

We have considered the materials on record. Victim is a minor and she has alleged that she was abducted. Statements of other witnesses show there was intimate relationship between the parties. Allegation of forcible kidnapping and rape requires to be assessed in the light of the statements of other witnesses. Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Subir Singha**, 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 Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, 2nd Court, Malda 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.)