

27.04.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 1473 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2023 in connection with Gazole Police Station Case No.79 of 2023 dated 02.02.2023 under Sections 354/354B/509 of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In Re: ***Nasarul Hoque @ Najrul Hoque @ Mokabbir Ali***
... .. Petitioner

Mr. Rana Mukherjee
Mr. Rhiddhiman Mukherjee
... .. for the petitioner

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

It is submitted on behalf of the petitioner that he is in custody for about 35 days. It is further submitted parties were married to each other. Subsequently, they dissolved the marriage. Petitioner has been falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Advocate for the State produces the case diary.

Inspite of notice, nobody appears for the victim.

We have considered the materials on record. Allegation of misbehaviour requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Nasarul Hoque @ Najrul Hoque @ Mokabbir Ali***, 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 District 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Gazole Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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.)