

11.05.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 1477 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2023 in connection with Pukhuria Police Station Case No.431 of 2016 dated 31.12.2016 under Section 6 of the POCSO Act.

And

In Re: ***Sariful Hoque***

... .. Petitioner

Mr. Kazi M. Rahaman

... .. for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Petitioner is in custody for about 268 days. Victim has been examined. She did not recognise the petitioner as the accused. She was declared hostile. Under such circumstances and in view of 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 ***Sariful Hoque***, 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.

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.)