

25.04.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 1537 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.04.2023 in connection with Manikchak Police Station Case No.79 of 2023 dated 09.02.2023 under Sections 4/18/12 of the POCSO Act and Sections 448/323/506/34 of the Indian Penal Code.

And

In Re: ***Mir Setabuddin***

... .. Petitioner

Mr. Biswajit Tiwari

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 71 days. It is further submitted there is delay in lodging FIR. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of trespass and outraging of modesty requires to be assessed in the light of the aforesaid submission regarding delay in trial. 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 ***Mir Setabuddin***, 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 Chief Judicial Magistrate, 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.)