

18.05.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2017 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.836 of 2022 dated 20.12.2022 under Sections 363/365/34 of the Indian Penal Code and charge sheet submitted under Sections 363/365/34 of the Indian Penal Code and adding Section 376 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Masadul Shah @ Mosudul Saha.
.... Petitioner.

Mr. Soumik Ganguly,
Md. G. N. Imhori.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Mr. Somnath Adhikary.

...for de-facto complainant.

Learned Advocate for the petitioner submits there was a love affair between the parties. He has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer. He submits mother of the petitioner threatened them to withdraw the case.

We have considered the materials on record. Petitioner is a minor girl but there was a love affair between two young persons.

Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, the petitioner viz., Masadul Shah @ Mosudul Saha shall be released on bail upon furnishing a bond

of Rs.10,000/- 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, Berhampore, Murshidabad subject to condition that he 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 Domkal Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Presence of the Investigating Officer is noted and dispensed with.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)