

08.06.2023.
20.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2135 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P. S. Case No.267 of 2023 dated 25.04.2023 under Sections 341/323/325/354B/376/511/506/509 of the Indian Penal Code and under Sections 8/10 of the POCSO Act.

In the matter of : Sakil Sahaji.

.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Anwar Hossain,
Mrs. Rita Dutta.

...for the State.

Mr. Sagar Saha.

...for the de-facto complainant.

Petitioner submits there was a prior marriage which was suppressed in the first information report. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim had pronounced 'Talak' and the petitioner had molested the victim thereafter.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. The issue, whether a valid marriage was subsisting between the parties requires to be assessed during trial.

Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner i.e. 45 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sakil Sahaji 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, Basirhat, North 24-Paraganas 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.

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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)