

03.07.2023
tkm/ct 28
sl no. 92

C.R.M. (DB) 2416 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Mothabari P.S case no. 428 of 2022 dated 29.10.2022 under section 363/365 IPC and section 4 of the POCSO Act alternatively under section 376(3) of the IPC
and

Allowed

In Re : Sajib @ Sajirul Sekh ... petitioner

Mr. Sagar Saha
Mr. S Mahajan

..... for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Mr. Partha Sarathi Das
Ms. S Sarkar

..... for the de facto

Petitioner submits that there was a love affair between the two young persons. He has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State produces the case diary.

Learned lawyer for the de facto complainant does not oppose the bail prayer.

We have considered the materials on record in the light of the submission made on behalf of the parties that there was a love affair between two young persons.

Keeping in mind the aforesaid fact, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, ADJ 2nd Court, Malda (I/C) on condition that the petitioner shall appear before the trial court on every date

of hearing 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 being CRM (DB) 2416 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)