

02.08.2023

Sl. No.29

as

[ALLOWED]

C. R. M. (DB) 2858 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.07.2023 in connection with Bhutni Police Station Case No.174 of 2021 dated 13.10.2021 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Senaul Hoque @ Manik Sk. @ Senaul Ali***

... .. Petitioner

Ms. Minoti Gomes

Mr. Mounick Ghosh

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor

Mr. S. D. Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Evidence of the victim is exonerative in nature. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Therefore, the petitioner, namely ***Senaul Hoque @ Manik Sk. @ Senaul Ali***, 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 & Sessions 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)