

21.07.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 2896 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.07.2023 in connection with Hemtabad Police Station Case No.93 of 2023 dated 03.05.2023 under Sections 363/365/498A/494/323/307/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Jaynal Abedin**

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon
Mr. Debmalya Das

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody since 19th May, 2023. It is further submitted there was a love affair between the parties. Thereafter, matrimonial disputes cropped up. Hence, he has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was minor at the time of cohabitation. Subsequently, the parties married but presently the victim has been driven out. Petitioner has remarried.

We have considered the materials on record. Initially, there was an amorous relationship between two young persons. This fructified into marriage. Subsequently, disputes broke out and it is alleged petitioner had driven out the victim and remarried. Though the victim was minor at the time of cohabitation, materials on record show there was a love affair between two young persons. Other allegations relate to ingredients of offences under Sections 498A/494 of the Indian

Penal Code which are punishable upto seven years of imprisonment. Further custody for such offences is not necessary. Keeping in mind the aforesaid facts and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Jaynal Abedin**, 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, Raiganj, Uttar Dinajpur 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.)