

28.07.2023
Serial no. 1
[G.S.D]

CRM (SB) 148 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **C. Spl. Case No. 81 of 2022 arising out of Domkal P.S. Case No. 668 of 2022 dated 17.10.2022 under Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012.**

-And-

In the matter of : Md. Masadul Hossen @ Md Masadul Hossain.

... .. Petitioner

Mr. Somnath Adhikary
Mr. Tirtharaj Ghoshal

... .. For the Petitioner

Mr. Binay Panda
Ms. Puspita Saha

... ..*For the State*

Affidavit-of-Service so filed be kept with the record.

Learned Advocate for the petitioner submits that the petitioner is in custody for 275 days and his further detention is unwarranted in view of the evidence which has been surfaced in course of the examination of the complainant and the victim. Additionally, he prays for bail on any stringent condition.

Learned Advocate for the State opposes the prayer for bail drawing the attention of this Court to the statement

of the victim under Section 164 of the Code of Criminal Procedure.

Learned Advocate for the State urges that the oral deposition of the victim must be read along with the statement under Section 164 of the Cr.P.C.

I have considered the period of detention of the present petitioner as well as the evidence which has surfaced and, I am of the opinion that further detention is unwarranted.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Md. Masadul Hossen @ Md Masadul Hossain, shall be released on bail upon furnishing 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 CJM, Murshidabad at Berhampore.

If on bail, the petitioner shall not leave the jurisdiction of the District Murshidabad without intimating the Learned Special Court and be physically present on each and every date so fixed by the Learned Special Court.

Accordingly, CRM(SB) 148 of 2023 is Allowed.

Pending application(s), if any, is also allowed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)