

08.08.2023
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as/sdas
allowed

CRM(DB) No. 3140 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 292 of 2023 dated 23.03.2023 under Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Alamin Sardar petitioner

Mr. Kalyan Kumar Bhattacharya
Ms. Sahina Khatun
....for the petitioner

Mr. Swapan Banerjee
Mr. A. S. Chatterjee
..... for the State

Ms. Busra Khatun
..... for the oppose party no. 2

Heard the learned Counsel for the parties.

We have considered the materials on record. Victim is present in person in Court and represented through her learned Counsel. She does not oppose the bail prayer. It is contended that there was a love affair between two young persons and petitioner has been falsely implicated. In view of the aforesaid submission made on behalf of the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 POCSO Act, Barasat, North 24 Parganas, subject to conditions that

petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)