

24.08.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 3156 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.08.2023 in connection with Basudebpur Police Station Case No.161 of 2022 dated 13.09.2022 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Samir Ali**

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

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

Mr. Santanu Deb Roy

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. Report is placed on record.
3. Nobody appears on behalf of the victim lady.
4. We have considered the materials on record. Victim lady stated there was a relationship between herself and the petitioner. She had become pregnant. In view of the aforesaid circumstances, we note there was free mixing between two young persons. Hence, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Samir 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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)