

17.08.2023
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 3166 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2023 in connection with Kultali Police Station Case No.31 of 2023 dated 12.01.2023 under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Masudur Rahaman Sekh @ Masud Sekh**
... .. Petitioner

Mr. Bapin Baidya
... .. for the petitioner

Mr. Antarikhya Basu
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted there was a romantic relationship between the petitioner and the victim girl. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statement of the minor indicates a romantic liaison between the parties. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Masudur Rahaman Sekh @ Masud Sekh**, 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 Sessions Judge, Baruipur, South 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)