

12.09.2023.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3362 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola P.S. Case No.216 of 2023 dated 01.06.2023 under Sections 342/376/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Md. Humayun Kabir @ Raj.**

.... Petitioner.

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar,
Mr. Tirtharaj Ghoshal.

...for the Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

...for the de-facto complainant.

Mr. S. S. Imam, Jr. Govt. Adv.,
Mr. R. Jana.

...for the State.

1. Petitioner is in custody for 104 days. It is submitted there was a romantic relationship between the parties. He prays for bail.
2. Learned Advocate for the State produces the Case Diary.
3. Learned Advocate for the de-facto complainant does not oppose the bail prayer.
4. We have considered the materials on record. There was a romantic relationship between two young persons.
5. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Md. Humayun Kabir @ Raj** 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 the POCSO Act, Lalbagh, Murshidabad subject to condition that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)