

12.09.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3466 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak P.S. Case No.145 of 2018 dated 14.05.2018 under Section 302 of the Indian Penal Code and adding Section 6 of the POCSO Act.

In the matter of : **Asraful Hoque**.

.... Petitioner.

Mr. Sovan Das Gupta.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

1. Supplementary affidavit is placed on record. Petitioner has placed certified copies of the evidence on record.
2. Evidence on record shows that the victim girl was raped and murdered. But the prosecution witnesses have not supported the prosecution case against the petitioner. They resiled from their earlier statements before Magistrate.
3. Though the allegations are very grave, in view of the scanty evidence on record and as petitioner has already suffered incarceration for more than five years, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Asraful Hoque** 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 cum Additional District Judge, 2nd Court,

Malda 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.

5. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)