

26.09.2023.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3545 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haroa P.S. Case No.511 of 2021 dated 29.12.2021 under Sections 363/365 of the Indian Penal Code adding Section 376(2)(f)/376(3) and Section 6 of the POCSO Act.

In the matter of : **Mashiur Rahaman Laskar.**

.... Petitioner.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

1. Petitioner submits there was a consensual relationship between the parties. Victim has been examined. He is in custody for 617 days. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. We have also considered the evidence of the victim (PW 2). Vulnerable witnesses have been examined.
4. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.
5. Accordingly, the petitioner viz., **Mashiur Rahaman Laskar** 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, Basirhat, North 24-

Paraganas 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.

6. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)