

27.09.2023
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allowed

CRM(DB) No. 3564 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 226 of 2023 dated 23.04.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Khatib Ali Halsana petitioner

Mr. Sumanta Das
.....for the petitioner

Mr. Atif Ahmed Siddiqui
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for over 152 days. It is also submitted that there was a consensual relationship between the parties. He has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had suppressed his identity and religion and had cohabited with the victim.

3. We have considered the materials on record. There was a free mixing between the parties for a considerable period of time. Petitioner belongs to the same locality as the victim. Allegation that he had suppressed his identity and religion requires to be assessed in the light of the aforesaid attending circumstances during trial. However, it is undeniable there was intimate relationship between two young persons. Keeping in mind the aforesaid fact we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Krishnagar at Nadia on further conditions that while on bail the petitioner shall not enter the jurisdiction of Chapra Police Station until further orders except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Police Station concerned once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)