

04.10.2023
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 3657 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Hanskhali Police Station Case No.485 of 2023 dated 11.06.2023 under Sections 376/417/354/506 of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.896 of 2023)

And

In Re: **Billal Malita**

... .. Petitioner

Ms. Sananda Bhattacharyya

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that the de-facto complainant had matrimonial dispute. She was residing separately at her parental home. Petitioner and the de-facto complainant developed intimate relationship which subsequently soured. Allegation of penetrative assault on the daughter is a concoction to implicate the petitioner. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and produces the case diary.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the statement of the minor victim. Her statement before the Magistrate is exonerative so far as the offence of penetrative sexual assault is concerned. This allegation is also absent in the medical papers. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Billal Malita**, 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 District & Sessions Judge, Ranaghat, Nadia 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)