

12.10.2023
Sl. No.37
akd
[ALLOWED]

C. R. M. (DB) 3984 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.10.2023 in connection with Bantra Police Station Case No.167 of 2023 dated 12.08.2023 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re: ***Md. Altaf Ali @ Md. Altaf Raza***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar

... .. for the petitioner

Mr. Manas Das

... .. for the de-facto complainant

Mr. Siladitya Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 44 days. It is further submitted there was a love affair between the parties. Petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits victim is a minor and the petitioner belongs to a different religion.
4. We have considered the materials on record. Statement of the victim shows she had voluntarily left her parental home. This probabalises the petitioner's submission that there was free mixing between two young persons. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely ***Md. Altaf Ali @ Md. Altaf Raza***, 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, Howrah 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Bantra Police Station until further orders.
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.)