

22.11.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 4198 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Narendrapur Police Station Case No.208 of 2023 dated 04.03.2023 under Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Safirul Halder @ Sariful Halder @ Mithu Halder***
... .. Petitioner

Md. Wasim Akram
Mr. Swakshar Kumar Mondal
... .. for the petitioner

Ms. Reshmi Khatun
... .. for the de-facto complainant

Mr. Binay Panda
Ms. Puspita Saha
... .. for the State

1. It is submitted on behalf of the petitioner that there was a romantic relationship between himself and the victim. She had eloped out of her own volition. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor.
3. Learned Advocate for the de-facto complainant does not oppose the prayer for bail.
4. We have considered the materials on record. It appears there was romantic relationship between the parties. They eloped together. In view of the aforesaid, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Safirul Halder @ Sariful Halder @ Mithu Halder***, 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, Baruipur, South 24-Parganas 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.)