

16.01.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 4536 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.12.2022 in connection with Sagarpara Police Station Case No.102 of 2020 dated 08.10.2020 under Sections 363/365/34/376 of the Indian Penal Code and Section 4 of the POCSO Act. (G.R. Case No.965 of 2020)

And

In Re: ***Hasibur Sk. @ Hasibul Sk.***

... .. Petitioner

Md. Mokaram Hossain
Mr. Sandipan Maity

... .. for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

Affidavit-of-service filed in court today be kept with the record.

Report is placed on record. From the report it appears Investigating Officer has intimated the victim.

We have considered the materials on record including the statement of the minor victim. There is delay in lodging FIR. Credibility of the accusation requires to be seen in the light of the aforesaid circumstances. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hasibur Sk. @ Hasibul Sk.***, 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, Berhampore, Murshidabad 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.

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.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)