

02.02.2024

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Allowed

C.R.M.(DB) No. 176 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 426 of 2022 dated 07.11.2022 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Abdur Sakir @ Abdul Sakir petitioner

Mr. Tanmoy Basu

Mr. Arun Shaw

... for the petitioner

Mr. Joydeep Roy

Ms. Sonali Bhar

... for the State

Md. Aasit Dabal

..... for the de facto complainant

1. Heard the learned Counsels for the parties.

2. Learned Counsel for the State submits report. Let the report be placed on record.

3. It appears from the report further statement of the victim is recorded. She submits there was free mixing between the parties. In view of the aforesaid, we are of the opinion there was free mixing between two young persons. Petitioner is in custody for 435 days. Accordingly, 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 Judge, Special Court under POCSO Act, Lalbagh, Murshidabad, subject to conditions that he 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.

5. In the event he fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)