

14.03.2024.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 596 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maldar P.S. Case No.528 of 2022 dated 17.11.2022 under Section 6 of the POCSO Act and under Section 376(3) of the Indian Penal Code and under Sections 313/506/305/34 of the Indian Penal Code.

In the matter of : **Naimuddin Sk. @ Sintu.**

.... Petitioner.

Mr. Sourav Chatterjee,
Ms. Anwesha Mukherjee.

...for the Petitioner.

Mrs. Debjani Sahu.

...for the State.

1. Petitioner is in custody for one year and two months. He submits there was free mixing between him and the victim who was the younger sister-in-law of the petitioner. Vulnerable witness has been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. She submits victim had become pregnant. She gave birth to a female child. As the petitioner refused to marry, she committed suicide.
3. We have considered the materials on record. There was free mixing between petitioner and the victim who was her sister-in-law. Trial is in progress and vital witnesses have already been examined.

4. Under such circumstances, we are of the opinion petitioner may be released on bail.

5. Accordingly, the petitioner viz., **Naimuddin Sk. @ Sintu** 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 Chief Judicial Magistrate, Malda subject to condition 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.

6. In the event the petitioner 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.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)