

19.03.2024
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allowed

CRM (DB) No. 684 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1477 of 2023 dated 19.11.2023 under Section 6 of the POCSO Act.

In Re : Ansarul Sk. And
..... petitioner

Md. Wasim Akram
....for the petitioner

Mr. Pravash Bhattacharyya
Ms. Purnima Ghosh
.... for the State

1. Learned Counsel for the petitioner submits there was a romantic relationship between two young persons. He has been falsely implicated. He prays for bail.

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

3. In spite of service of notice nobody appears for the victim.

4. We have considered statement of the victim before the learned Magistrate. She admitted there was a romantic relationship between the parties. This probabilises the defence version. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

5. 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-cum-learned Additional District Judge, 2nd Court, Malda, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)