

30.04.2024
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 930 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2024 in connection with Ratua Police Station Case No.569 of 2023 dated 06.10.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Saddam Hossain**

... .. Petitioner

Mr. Omar Faruk Gazi
Ms. Susmita Das

... .. for the petitioner

Mr. Bibaswan Bhattacharya

... .. for the victim

Mr. Sandip Chakraborty
Md. Aqib Badr

... .. for the State

1. Heard the learned Advocates appearing for the respective parties.
2. We have considered the materials on record including the evidence of the victim. Victim stated she had gone on a trip with the petitioner to Delhi. This supports the defence version that there was free mixing between two young persons. Petitioner is in custody for about 171 days.
3. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to conditions.
4. Therefore, the accused/petitioner, namely **Saddam Hossain**, 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 Additional Chief Judicial Magistrate, Chanchal, Malda 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Ratua Police Station until further orders.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)