

23.04.2024
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allowed

CRM (DB) No. 1052 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 838 of 2023 dated 25.11.2023 under Sections 354C/506/509/109/34 of the Indian Penal Code and Section 4 of the POCSO Act.

And
In Re : Abdul Sakib @ Sabib @ Abdul Safib petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Shekhar Barman
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 145 days. It is also submitted there was free mixing between two young persons. Allegation of uploading objectionable videos on social networking site is out and out false. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record including the statement of the victim girl. She stated petitioner had taken a screen shot of an objectionable picture and had blackmailed her. Thereafter he raped her and circulated the objectionable picture through social networking site. No evidence of circulation of objectionable picture is pleaded on record. In view of the aforesaid circumstance we are constrained to hold allegation of blackmail has not been established through corroborative evidence. Under

such circumstances, 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, 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)