

07.05.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 1259 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.04.2024 in connection with Cossipore Police Station Case No.156 of 2023 dated 16.09.2023 under Sections 376/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Sk. Rounak Ali @ Jack**

... .. Petitioner

Mr. Pawan Kumar Gupta
Ms. Farnaz Nasim

... .. for the petitioner

Mr. Bitasok Banerjee
Mr. Jisan Iqbal Hossain

... .. for the State

1. It is submitted on behalf of the petitioner that he is the landlord of the victim. It is further submitted victim is not a minor. There was free mixing between the petitioner and the victim. When the matter came to light, petitioner was falsely implicated. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim had been blackmailed by the petitioner.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the evidence of the victim. It appears petitioner had physical relationship with her. She claims she was blackmailed but did not divulge it to her husband. No electronic evidence with regard to her obscene pictures has been placed before us. Victim has already been examined. Credibility of the allegations of blackmail may be assessed during trial. There is no chance of abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Sk. Rounak Ali @ Jack**, 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, Sealdah, South 24-Parganas 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)