

03.5.2024
Ct. No. 28
SL No. 23
SB

C.R.M. (DB) 1389 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali P.S. Case No. 1042 of 2023 dated 25.10.2023 under Sections 376 of the Indian Penal Code.

And

In the matter of: Hasibul Sekh

Mr. Prabir Majumder ...for the Petitioner

Ms. Trina Mitrafor the State

1. Petitioner is in custody for 130 days. Victim is not a minor. He has been falsely implicated in the crime. She alleged that she had been raped in a cinema hall which is improbable. He prays for bail.
2. Learned counsel appearing on behalf of the State opposes the bail prayer.
3. We have considered the materials on record. We have examined the statement of the victim. Victim stated she had met an unknown person who had taken her to a cinema hall and had misbehaved with her. Credibility of the allegations of forcible molestation and rape in a cinema hall which is a public place frequented by viewers requires to be assessed during trial. There is no chance of abscondence.
4. Accordingly, 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, Krishnagar, Nadia subject to the condition that the 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.

5. In the event if he fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without any further reference to this Court.
6. The application for bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)