

26. 12.12.2024  
Court  
No.28 (Tanmoy)

Allowed

CRM (DB) 3601 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Mothabari Police Station Case No. 435/2024 dated 28.7.2024 under Sections 4/17 of the POCSO Act, 2012.

And

In the matter of: - **Sehabub Sk. @ Sehebub Sk.**

...petitioner.

Mr. Sujoy Sarkar  
Mr. Musharaf Alam  
Ms. Sneha Srivastava

...for the petitioner.

Mr. Anwar Hossain  
Mr. Parvej Anam

...for the State.

Mr. Sk. Mustafi Rahaman

...for the victim girl.

1. Heard learned counsel for the parties.
2. Petitioner undertakes to marry the victim girl after she attains majority. This has not been opposed by learned Counsel appearing for the victim girl.
3. In view of the aforesaid development, we are of the opinion, further custodial detention of the petitioner is not necessary. He may be enlarged on bail.
4. Accordingly, we direct the petitioner, namely, **Sehabub Sk. @ Sehebub Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, Additional District Judge, 2<sup>nd</sup> Court, Malda, subject to condition that the petitioner shall appear before the trial

court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)