

10.01.2024
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 4582 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2023 in connection with Kaliachak Police Station Case No.1166 of 2023 dated 27.08.2023 under Sections 417/376/323/307/34 of the Indian Penal Code read with Section 6 of the POCSO Act and subsequently charge sheet submitted under Sections 417/376/323/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Kabir Ali Biswas @ Malu @ H.M. Kabir Ali Biswas***
... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. M. Das
Mr. Debapriya Majumder
... .. for the petitioner

Mr. Anwar Hossain
Ms. Baisali Basu
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four months. Accordingly, he prays for bail.
2. Further statement of the victim has been recorded before Magistrate. Statement shows petitioner and the victim had a romantic relationship. Allegations levelled against the petitioner require to be assessed in the light of the aforesaid development.
3. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Kabir Ali Biswas @ Malu @ H.M. Kabir Ali Biswas***, 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 Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, 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.

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.)