

CRM 3683 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **26.04.2021** in connection with **Ranaghat** P.S. Case No. **40/2021** dated **18.02.2021** under Sections **363/365/366** of the Indian Penal Code and Sections 4/8 of the POCSO Act, 2012.

And

In the matter of: **Swapan Das (Minor)**.

....Petitioner.

Ms. Sananda Bhattacharya

...for the Petitioner.

Mr. P.K. Dutta

Mr. Santanu Deb Roy

...for the State.

It is submitted on behalf of the petitioner that he is a minor. There was a love affair between the petitioner and the minor victim. He is in custody for 262 days.

We have considered the materials on record including the statement of the victim girl. We note that the petitioner was a young person and there was a love affair between the parties.

In view of the aforesaid facts and circumstances, although the victim is a minor, we are inclined to grant bail to the petitioner.

Let the petitioner 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, Ranaghat, Nadia subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)