

CRM 5484 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Jalangi** P.S. Case No. **47/2021** dated **02.03.2021** under Sections **363/365/417/376/506** of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of: **Akash Mondal**

....Petitioner

Mr. Jishan Iqubal Hossain

...for the Petitioner

Mr. Madhusudan Sur, APP

Mr. Md. Kutubuddin

...for the State.

It is submitted on behalf of the petitioner that he is a young person and there was a love affair between the petitioner and the victim.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible intercourse requires to be assessed in light of the aforesaid submission relating to free mixing between the parties.

Under such circumstances and in view of the detention suffered by the petitioner, i.e., over 300 days, we are inclined to grant bail to the petitioner.

The prayer for bail is thus allowed.

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, Berhampore, Murshidabad 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.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)