

10.12.2021
Sl. No.153
akd
[ALLOWED]

C. R. M. 8227 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2021 in connection with Balagarh Police Station Case No. 181 of 2021 dated 10.07.2021 under Section 376(2)(h) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Bijay Roy**

... .. Petitioner

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das
Mr. Abhishek Bose

... .. for the petitioner

Mr. Arijit Ganguly
Ms. Debjani Sahu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 155 days. It is further submitted that there was a love affair between the parties.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl which, inter alia, speaks of amorous relationship between the parties. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Bijay Roy**, 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 Chief Judicial Magistrate, Hooghly 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.

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.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)