

20.12.2021.
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(Allowed)

C.R.M. 8365 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.182 of 2021 dated 24.05.2021 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Rajib Halder.

Petitioner.

Mr. Sayan De,
Mr. Sayan Kanjilal.

...for the Petitioner.

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 170 days. Investigation is complete. It is submitted that there was a love affair between the petitioner and the victim.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner with regard to amorous relationship between the parties and in view of the period of detention already suffered by the petitioner, we are of the opinion that the petitioner may be granted bail.

Accordingly, the petitioner shall 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 the POCSO Act, Dakshin Dinajpur subject to condition that the 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application, being C.R.M.8365 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)