

13.06.2022
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allowed

CRM(DB) 1577 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 105 of 2021 dated 30.06.2021 under Sections 376(1)/109 of the Indian Penal Code and under Sections 4/17 of the POCSO Act.

And

In Re : Roni Sk. @ Roni Seikh petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee

.....for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between the parties and the petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record including the statement of the victim girl. She states there was a love affair between the parties.

In view of the aforesaid fact and the period of detention suffered by the petitioner i.e. 326 days, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall 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 POCSO Act, Berhampore, Murshidabad, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)