

20.06.2022
cm/ct 28
sl no. 23

C.R.M. (DB) No. 1595 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Shyampur P.S Case No. 136 of 2022** dated **07.04.2022** under Sections **498(A)/313/376(3)** of the Indian Penal Code, 1860 and under section 6 of the POCSO Act.

And

Allowed

In Re : Pradipta Dagar

..... petitioner

Mr. Debapriya Samanta
Mr. Samrat Ghosh

..... for the petitioner

Mr. Imran Ali
Ms. Debjani Sahu

..... for the State

Mr. Akash Dutta

.... for the De-facto complaint.

Petitioner is in custody for 37 days. He submits that there was a love affair between the parties. Subsequently, they married each other. Due to domestic quarrel, the present case has been registered.

Learned lawyer for the State opposes the prayer for bail and submits petitioner is presently working in Bangalore and has not taken his wife to his work place.

Learned lawyer for the De facto complainant submits that petitioner had induced her to abort the unborn child.

We have considered the materials on record including statement of the victim recorded under Section 164 Cr.P.C. There was a love affair between two young persons. Subsequently, they married each other. Whether ingredients of offence under Section 376 of the Indian Penal Code are disclosed in the facts of the case require to be assessed during trial. Allegation of inducement by the

petitioner to abort is generic, vague and bereft material particulars. Under such circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention is not necessary and he may be granted bail.

Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, under POCSO Act, Uluberia, Howrah , on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fail 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 being CRM (DB) No. 1595 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)