

14.06.2022
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allowed

CRM(DB) 1660 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 215 of 2018 dated 08.07.2018 under Sections 363/365/34 of the Indian Penal Code and under Section 6 of the POCSO Act and Section 9 of Prevention of Child Marriage Act.

And

In Re : Raju Bahadur Mallik @ Raj Bahadur Mallick @
Chatu petitioner

Mr. Tarak Nath Sarkar

.....for the petitioner

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between the parties and they have married each other. Subsequently, petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim was a minor at the time of incident.

We have considered the materials on record in the light of the submission that there was a love affair between the parties and that they had subsequently married each and in view of period of detention suffered by the petitioner, 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, Ghatal, Paschim Medinipur, 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.)