

21.06.2022
cm/ct 28
sl no. 33

C.R.M. (DB) No. 1903 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Dholahat P.S Case No. 228** dated **21.05.2022** under Sections **363/365** of the Indian Penal Code, and Section 6 of Protection of Children from Sexual Offences Act, 2012(POCSO) and under Section 9 of Prohibition of Child Marriage Act.

And

Allowed

In Re : Ayan Halder

..... petitioner

Mr. Gouranga Kumar Das

..... for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Mr. Navanil De

..... for the State

It is submitted that there was a love affair between the parties. He is in custody for about a month.

Learned lawyer for the State submits opposes the prayer for bail.

We have considered the materials on record including statement of the victim girl who admits there was a love affair between the parties. Keeping in mind aforesaid exonerative statement of the victim and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

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, Kakdwip, on condition that 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 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 being CRM(DB) No.1903 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)