

20.06.2022
Sl. No.57
akd
[ALLOWED]

C. R. M. (DB) 1908 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.06.2022 in connection with Howrah Police Station Case No. 217 of 2021 dated 23.08.2021 under Sections 363/365 of the Indian Penal Code, Section 10 of the Child Marriage Act and Sections 4/6 of the POCSO Act.

And

In Re: ***Sujit Shaw***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Kaushik Dey

... .. for the petitioner

Mr. Rabi Sankar Chattopadhyay
Mr. Imtiaz Ahmed
Ms. Payel Shome

... .. for the de-facto complainant

Mr. Navanil De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 290 days. It is further submitted there was a love affair between the parties and they had entered into matrimony.

Learned advocate appearing for the State opposes the prayer for bail.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Victim girl admits to a love affair and marriage in her statement under Section 164 of the Code of Criminal Procedure. Objectionable picture allegedly in the possession of the petitioner has not been recovered inspite of long detention. Investigation is complete. In view of the aforesaid facts, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sujit Shaw**, 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, Howrah subject to condition that the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)