

24.06.2022
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allowed

CRM(DB) 1973 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 122 of 2022 dated 03.05.2022 under Sections 362/365/34 of the Indian Penal Code adding Sections 366/376(2)(n)(3) of the Indian Penal Code and Section 6 of the POCSO Act, 2012 and Sections 9/10 of the Prohibition of Child Marriage Act, 2006.

And

In Re : Milan Malik petitioner

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee
Mr. Sourav Mondal

.....for the petitioner

Ms. Amita Gaur
Mr. Sujit Gupta

..... for the State

Petitioner is in custody for 53 days.

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties.

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

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

In view of the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Arambagh, Hooghly, 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.)