

06.07.2022
cm/ct 28
sl no. 20

C.R.M. (DB) 2046 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Daulatabad P.S. Case No. 81 of 2022 dated 01.04.2022 under Sections 376(1) of the Indian Penal Code and Section 4/ 6 of POCSO Act, subsequently charge sheet has been submitted for commission of offences punishable under section 376(3) of the Indian Penal Code 1860 and under Section 4/6 of the POCSO Act.

Allowed

In Re : Sujan Mondal @ Sahin Mondal @ Sahin Aktar Mondal
..... petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas

..... for the petitioner

Ms. Zareen N. Khan
Mr. Asok Das

..... for the State

Report is placed on record by the Investigating Agency. De-facto complainant and mother of the victim have been notified.

It is contended on behalf of the Petitioner that there was a love affair between the parties. He has been falsely implicated in the instant case. He is in custody for 101 days.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor victim endorses the submission regarding amorous relationship between the parties. Allegation of rape requires to be assessed in the light of the aforesaid circumstances. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- 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, Berhampore, Murshidabad 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 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. 2046 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)