

30.06.2022
cm/ct 28
sl no. 24

C.R.M. (DB) 2077 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur P.S. Case No. 74 of 2022 dated 08.03.2022 under Sections 363/365/368 of the Indian Penal Code and Section 6 of POCSO Act, 2012.

Allowed

In Re : Kabir Mondol @ Pintu Mondol @ Mandal

..... petitioner

Mr. Sumanta Das

..... for the petitioner

Mr. Bidyut Roy

Ms. Rita Dutta

..... for the State

Liberty is given to the petitioner to correct the cause title.

Petitioner is in custody for 65 days. It is submitted that there was a love affair between the parties.

Learned lawyer for the State opposes the prayer for bail. She submits victim is a minor.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission regarding amorous relationship between two young persons. In view of the aforesaid fact 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, Krishnagar 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. 2077 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)