

25.03.2022
174
sdas
allowed

CRM 6278 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 635 of 2018 dated 21.11.2018 under Sections 363/365/366 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sujan Biswas petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between the petitioner and the victim girl. The petitioner is in custody for more than one year.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record including deposition of the victim girl (P.W. 1). There was a love affair between two young persons. Evidence of the victim has already been recorded. Keeping in mind aforesaid facts and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Malda, subject to the condition that the petitioner shall

appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)