

11.07.2022
tkm/ct 28
sl no. 52

C.R.M. (DB) 2225 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Krishnagar Cyber Crime P.S Case no. 17 of 2022 dated 9.6.2022 under section 376 IPC and sections 4/12 of the POCSO Act

And

Allowed

In Re : Mukul Biswas

..... petitioner

Mr. K K Mukherjee

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

Ms. Pritha Paul

..... for the State

Mr. Diptangshu Basu

..... for the de facto complainant

Petitioner is in custody for 30 days. It is submitted that there was a love affair between the parties.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant submits his client is willing to marry the petitioner after attaining majority.

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 young persons. Marriage could not take place as de facto complaint is a minor.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Nadia 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) 2225 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)