

13.07.2022
tkm/ct 28
sl no. 46

C.R.M. (DB) 2292 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhagwanpur P.S Case no. 385 of 2021 dated 8.12.2021 under section 363/366/34 IPC adding section 376 IPC and sections 6/8 of the POCSO Act and sections 9/10 of the Prohibition of Child Marriage Act
And

Allowed

In Re : Nanda Barman petitioner

Mr. A Karmakar
Mr. A K Bhowmick

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

Mr. K C Das
Mr. S Ali

..... for the de facto complainant

Petitioner is in custody for four months. It is submitted there was a love affair between the parties. A minor child was born to them.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant also opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Statement of the victim girl corroborates submission with regard to a love affair between the parties.

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

Additional Sessions Judge, 1st Court cum Judge, Special Court, Contai 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) 2292 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)