

25.07.2022.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2431 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal Station Case No.361 of 2021 dated 15.10.2021 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365 of the Indian Penal Code and under Section 6 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act.

In the matter of : Palalsh Barik.

.... Petitioner.

Md. Sabir Ahmed,
Mr. Sandip Chakraborty,
Mr. Apan Saha.

...for the Petitioner.

Mr. Prasun Kr. Datta, ld. A.P.P.,
Mr. Subrato Roy.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 144 days. Upon receipt of documents under Section 207 of the Code of Criminal Procedure, he has renewed his prayer for bail. He submits there was a love affair between the parties.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Plea with regard to amorous relationship between the parties and marriage between them is reflected in her statement recorded under Section 164 of the Code of Criminal Procedure. Petitioner was unaware of such

statement at the time when the earlier application for bail came to be rejected. Subsequently, upon receipt of documents under Section 207 of the Code of Criminal Procedure, he has renewed his prayer for bail.

In view of the aforesaid change in circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 the POCSO Act, Kakdwip, South 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)