

28.07.2022
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allowed

CRM(DB) No. 2433 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hardwood Point Coastal Police Station Case No. 40 of 2022 dated 12.02.2022 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365 of the Indian Penal Code adding Sections 4(2)/6 of the POCSO Act and Section 9 of Prohibition of the Child Marriage Act.

And

In Re : Soumen Ari alias Tushar Ari petitioner

Mr. Gobinda Chandra Baidya
Mr. Gobinda Baidya

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Ayantika Ray

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 102 days. It is also submitted that there was a love affair between the parties.

Learned Counsel appearing for the State produces the case diary.

Statement of the victim corroborates submission of the petitioner regarding amorous relationship between them.

Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Kakdwip, South 24 Parganas, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)