

26.07.2022.
22.
Ct.No.28
as
(Allowed).

C.R.M. (DB) 2446 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Town) P. S. Case No.203 of 2022 dated 12.04.2022 under Sections 342/376(2)(n)/379/411/363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Suraj Sharma @ Sonu.

... Petitioner.

Mr. S. Das Mahapatra.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner there was a love affair between the parties. He is in custody for about 106 days.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of kidnapping and rape requires to be assessed in the light of the submission relating to amorous relationship between two young persons. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner and as

investigation is complete, 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, to the satisfaction of the learned Judge, Special Court under POCSO Act, Paschim Medinipur subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate 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.)