

29.07.2022
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 2512 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.07.2022 in connection with Narendrapur Police Station Case No. 603 of 2022 dated 02.06.2022 under Sections 363/365 of the Indian Penal Code subsequently charge-sheet submitted under Sections 363/365/366A/376/120B/212 and Sections 6/17 of the POCSO Act.

And

In Re: ***Indrajit Polmal @ Rakhal***

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Routh

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 42 days. It is further submitted there was a love affair between the parties. Investigation is complete.

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

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission there was amorous relationship between two young persons. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Indrajit Polmal @ Rakhal***, 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 the POCSO Act, Baruipur, South 24-Parganas subject to condition that the said petitioner 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)