

29.07.2022
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allowed

CRM(DB) No. 2523 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 49 of 2021 dated 22.05.2021 under Sections 363/365 of the Indian Penal Code added Section 6 of the POCSO Act and Section 9 of Prohibition of the Child Marriage Act.

And

In Re : Shibdas Mandi @ Majhi petitioner

Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Ms. Sofia Nesar
Mr. Santanu Sett
Ms. Ankita Ray

.....for the petitioner

Ms. Zareen N. Khan
Mr. Arup Sarkar

..... for the State

Heard learned Counsels appearing for the parties.

We have considered the statement of the victim girl who states that she had left with the petitioner out of her own volition. Petitioner is also a young person and a love affair developed between them.

Keeping in mind the aforesaid fact and in view of period of detention suffered by the petitioner i.e. 242 days, 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, Raghunathpur, Purulia, 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.)