

03.08.2022
cm/ct 28
sl no. 26

C.R.M. (DB) 2592 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangasagar Coastal P.S. Case No. 34 of 2022 dated 18.04.2022 under Section 363/364/34 of the Indian Penal Code and adding Section 366/376(2n)(3) of the Indian Penal Code and under Section 6 of the POCSO Act.

Allowed

In Re : Rajib Narayan Jana

..... petitioner

Mr. Kallol Kumar Basu
Mr. Anindya Sundar Das
Mr. Debapriya Samanta
Mrs. A. Sarkar
Mr. M. Mondal

..... for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

..... for the State

Liberty is given to the petitioner to correct the cause title.

Petitioner is in custody for 69 days. It is submitted that there was a love affair between the parties. Subsequently, petitioner was handed over the victim to her parents.

Learned lawyer for the State opposes the prayer for bail. He submits victim is a minor. She was forcibly kidnapped and marriage by the petitioner with the assistance of his father.

We have considered the materials on record. Whether the victim had been kidnapped and marriage against her will or had eloped with the petitioner requires to be assessed during trial.

Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion further detention is not necessary and petitioner may be granted bail.

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

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 being CRM(DB) No. 2592 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)