

05.08.2022
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 2627 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2022 in connection with Gobardanga Police Station Case No.114 of 2022 dated 24.04.2022 under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Abhijit Halder***

... .. Petitioner

Mr. Pinaki Dhole
Ms. Pramita Mondal
Mr. Debjit Bhattacharyya

... .. for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 102 days. It is further submitted there was a love affair between the parties.

Learned advocate appearing for the State opposes the prayer for bail and submits victim is a minor and was forcibly ravished.

We have considered the materials on record including the statement of the victim girl. In her statement, victim girl admitted there was a relationship for eleven months. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances. In view of 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 ***Abhijit Halder***, 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, Barasat, North 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.)