

08.08.2022.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2650 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P. S. Case No.216 of 2022 dated 09.03.2022 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Prosenjit Khamaru @ Prosen.
.... Petitioner.

Mr. Soumik Ganguly,
Mr. Nimai Roy,
Mr. Ronit Mukherjee.
...for the Petitioner.

Mr. S. S. Imam,
Mr. R. Jana.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over 149 days. It is submitted there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned Advocate 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 an amorous relationship between the parties. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, 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, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Barasat, 24-Paraganas, North subject to condition that he 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.

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.)