

08.08.2022
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allowed

CRM(DB) No. 2674 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Margram Police Station Case No. 104 of 2022 dated 24.05.2022 under Sections 376(3)/120B of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act.

And

In Re : Hiran Mal petitioner

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Arghya Kamal Das
Ms. Poulomi Dutta

.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 76 days. It is also submitted that the petitioner has been falsely implicated in the instant case. There was a love affair between the parties.

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

We have considered the materials on record. Victim in her statement stated that the petitioner used to give proposal to her and upon the petitioner requesting her she voluntarily went to his house. Thereafter she was forcibly ravished.

Whether victim was forcibly ravished by the petitioner or had voluntarily gone to the house of the petitioner requires to be assessed in the course of trial. Under such circumstances and in the light of the submission that there was a love affair between

two young persons, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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, Rampurhat, Birbhum, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)