

11.08.2022
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allowed

CRM(DB) No. 2693 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 122 of 2022 dated 22.04.2022 under Sections 376(2)(n) of the Indian Penal Code read with Section 6 of POCSO Act.

And

In Re : Palash Singh petitioner

Ms. Devi Priya Mitra
.....for the petitioner

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

Ms. Manasi Roy
.....for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for 111 days. It is also submitted that there was a love affair between the parties. Investigation is complete.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner had taken objectionable pictures and was blackmailing the minor victim.

Learned Counsel appearing for the de facto complainant also opposes prayer for bail.

We have considered materials on record. Allegation of rape requires to be assessed in the light of the submission that there was amorous relationship between two young persons. No electronic evidence in support of the allegation of taking objectionable pictures is placed before us.

Under such circumstances, we are inclined in granting 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 Additional Sessions Judge, First Court, Uluberia, Howrah, on condition 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.)