

12.08.2022
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allowed

CRM(DB) No. 2727 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah Police Station Case No. 127 of 2022 dated 28.03.2022 under Sections 341/376/417/506/34 of the Indian Penal Code read with Section 6 of POCSO Act.

And

In Re : Kaushik Naskar petitioner

Mr. Dev Kumar Sharma
.....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
..... for the State

Learned Counsel for the petitioner submits he is in custody for 137 days. It is also submitted that there was free-mixing between the petitioner and the victim girl. She was aware of the marital status of the petitioner.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner was a married man. Minor victim had become pregnant due to cohabitation.

We have considered materials on record including statement of minor victim. It appears there was free-mixing between the parties. Whether the victim was aware of the marital status of the petitioner or not requires to be assessed in the backdrop of the aforesaid circumstances.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, 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 Chief Judicial Magistrate, 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.)