

12.08.2022
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allowed

CRM(DB) No. 2731 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. 19 of 2022 dated 27.01.2022 under Section 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Gopal Pal petitioner

Sk. Toslim Ali
Mr. Saba Parween
.....for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu
..... for the State

Learned Counsel for the petitioner submits he is in custody for 191 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 victim is a minor and the petitioner cohabited with her on the threat that the petitioner would upload objectionable pictures.

We have considered materials on record. No electronic evidence with regard to taking of objectionable pictures of the victim by the petitioner has been placed before us. Keeping in mind the aforesaid fact and 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 Additional Chief Judicial Magistrate, 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.)