

24.08.2022
cm/ct 28
sl no. 36

C.R.M. (DB) 2845 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gazole P.S. Case No. 461 of 2022 dated 15.06.2022 under Section 363,365,34 of the Indian Penal Code and added Section 4 of POCSO Act, 2012.

Allowed

In Re : Pankaj Roy

..... petitioner

Mr. Kazi Mokhlasur Rahaman

..... for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

..... for the State

Petitioner is in custody for 69 days. It is submitted that there was a love affair between the parties.

Learned lawyer 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 aforesaid submission regarding amorous relationship between parties. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner 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 POCSO Act, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM(DB) No. 2845 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)