

31.08.2022
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allowed

CRM(DB) No. 2934 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni Police Station Case No. 62 of 2022 dated 22.04.2022 under Section 363 of the Indian Penal Code and adding Section 365 of the Indian Penal Code and Section 4 of POCSO Act.

And

In Re : Chayan Das petitioner

Ms. Sujata Das

.....for the petitioner

Mr. Tanmay Kumar Ghosh

Mr. Arindam Sen

..... for the State

Learned Counsel for the petitioner submits he is in custody for 76 days. It is also submitted that there was a love affair between the parties.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the victim girl. She stated there was a love affair between the parties and they had married each other. Keeping in mind the aforesaid circumstances and bearing in mind the period of detention suffered by the petitioner, we are inclined in granting bail to him.

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, Malda, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)