

14.09.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 2960 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.08.2022 in connection with Debra Police Station Case No. 233 of 2022 dated 12.05.2022 under Sections 363/366/494/376(2)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act.

And

In Re: **Sudeb Nayek**

... .. Petitioner

Mr. Siddhartha Sarkar

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that charge had already been framed on 11.08.2022. It is contended there was a love affair between the parties. They are living as husband and wife.

Learned advocate appearing for the State opposes the prayer for bail and submits victim was a minor.

We have considered the materials on record. There was a love affair between the parties. Keeping in mind the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary and he may be granted bail.

Therefore, the accused/petitioner, namely **Sudeb Nayek**, 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 Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, 2nd Court, Paschim Medinipur subject to condition that the said petitioner

shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)