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allowed

CRM(DB) No. 2970 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bauria Police Station Case No. 19 of 2022 dated 13.02.2022 under Sections 344/354/406/506/376(3)/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Khairul Kazi petitioner

Ms. Devi Priya Mitra
.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
..... for the State

Mrs. Manasi Roy
..... for defacto complainant

Learned Counsel for the petitioner submits he is in custody for 126 days. It is also submitted that there was a love affair between the parties and they had married each other.

Learned Counsel appearing for the State opposes prayer for bail and produces the Case Diary.

Learned Counsel appearing for the defacto complainant does not oppose prayer for bail.

We have considered materials on record. Though victim was a minor there was love affair between two young persons. Defacto complainant does not oppose prayer for bail. Under such circumstances, we are inclined to grant 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 Judge, Special Court under POCSO Act, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)