

02.09.2022
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allowed

CRM(DB) No. 2978 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 327 of 2022 dated 11.07.2022 under Sections 363/365/376 of the Indian Penal Code read with Section 6 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Debasis Das petitioner

Mr. Gouranga Kumar Das
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

Learned Counsel for the petitioner submits he is in custody for 38 days. It is also submitted that there was a love affair between the parties.

Learned Counsel appearing for the State opposes prayer for bail and submits victim is a minor.

We have considered the materials on record. Statement of the victim corroborates that there was a love affair between two young persons. In view of the aforesaid fact and the period of detention suffered by the petitioner, 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, Kakdwip, South 24 Parganas, 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.)