

26.09.2022.
23.
as
(Allowed)

C.R.M. (DB) 3088 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar P. S. Case No.281 of 2022 dated 07.06.2022 under Sections 363/365/376AB of the Indian Penal Code and Section 6 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

In the matter of : Kunal Nayek.

.... Petitioner.

Mr. Aslam Parvez,
Mr. Arunava Ganguly.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Arup Sarkar.

...for the State.

Victim has been notified. She is present in Court. It is contended there was a love affair between two young persons. Petitioner has been falsely implicated on such score. Petitioner prays for bail.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. Statement of the victim discloses there was a love affair between her and the petitioner.

In view of the aforesaid fact and the period of detention suffered by the petitioner i.e. 60 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 Additional Chief Judicial Magistrate, Chandernagore, Hooghly subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)