

14.09.2022
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 3102 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2022 in connection with Kotwali Police Station Case No. 610 of 2022 dated 15.06.2022 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Souradeep Kundu***

... .. Petitioner

Mr. Kusal Kumar Mukherjee

... .. for the petitioner

Ms. Zareen N. Khan

Mr. Arup Sarkar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 151 days. It is further submitted there was a love affair between the parties.

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

We have considered the materials on record including the statement of the victim. Victim admits there was a love affair between her and the petitioner. In view of the aforesaid evidence which indicates a love affair between two young persons, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Souradeep Kundu***, 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, Nadia 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.)