

16.09.2022.
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as
(Allowed)

C.R.M. (DB) 3153 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Contai P. S. Case No.08 of 2022 dated 11.01.2022 under Sections 366/376(2)(i)/313/34 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Ramprasad Har.

.... Petitioner.

Mr. Tapan Duttagupta,
Mr. Satyabrata Chakraborty,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar.

...for the Petitioner.

Ms. Anasuya Sinha,
Ms. Jonaki Saha.

...for the State.

Petitioner is in custody for 236 days. It is submitted there was a love affair between the parties. He has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim. From the statement and other attending circumstances it appears there was a love affair between two young persons. There is no medical evidence in support of the allegation of forcible miscarriage.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Purba Medinipur 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.)