

19.09.2022
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 3165 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2022 in connection with Dholahat Police Station Case No. 241 dated 26.05.2022 under Sections 363/365/376 of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Child Marriage Act.

And

In Re: **Subha Chakraborty @ Subho Chakroborty**
... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... .. for the petitioner

Mr. Tanmay Kr. Ghosh
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 57 days. It is further submitted there was a love affair between the parties. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim lady is exonerative in nature. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Subha Chakraborty @ Subho Chakroborty**, 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,

Kakdwip, Sough 24-Parganas 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.)