

27.09.2022

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Allowed

C.R.M. (DB) No. 3253 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Moyna Police Station Case No. 45 of 2022 dated 21.02.2022 under Sections 34/363/365 of the Indian Penal Code but charge-sheet was submitted under Sections 34/363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Mahadeb Maity petitioner

Mr. Suman De

.....for the petitioner

Mr. Saswata Gopal Mukherjee, learned P.P.

Mr. Aniket Mitra

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 90 days. Investigation is complete. It is also submitted that there was a love affair between the parties.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the minor victim. She stated there was a love affair between herself and the petitioner.

Under such circumstances in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

Accordingly, we direct that 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 District and Sessions

Judge, 2nd Court at Tamluk, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)