

23.09.2022  
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allowed

**CRM(DB) No. 3222 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 103 of 2022 dated 14.03.2022 under Sections 363/365/376 of the Indian Penal Code read with Section 6 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Asim Mondal ..... petitioner

Mr. Debojyoti Deb  
Ms. Somdyuti Parekh  
.....for the petitioner

Mr. S. S. Imam  
Mr. S. Kundu  
..... for the State

Learned Counsel for the petitioner submits he is in custody for 114 days. It is also submitted that there was a love affair between the parties. As they belonged to different religion, marriage was opposed. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits victim is a minor.

We have considered the materials on record including statement of the minor. Her statement gives an indication that she had voluntarily accompanied the petitioner.

In view of the aforesaid circumstance and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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 POCSO Act, Kakdwip, South 24 Parganas, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**