

27.09.2022

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Allowed

C.R.M. (DB) No. 3252 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 129 of 2021 dated 18.03.2021 under Sections 363/366 of the Indian Penal Code but charge-sheet was submitted under Sections 363/366/376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sandip Mandal petitioner

Mr. Suman De

.....for the petitioner

Mr. Binay Panda

Mr. Subham Bhakat

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 67 days. There was a love affair between the parties. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the minor victim. She states there was a love affair between the parties.

Under such circumstances and in view of period detention suffered by the petitioner, 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.)