

29.09.2022

dd/ct 28

sl no. **65**

C.R.M. (DB) 3378 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Nandakumar** P.S case no. **460 of 2021** dated **25.10.2021** under sections **363/366** of the IPC adding Section **376(2)(n)** of IPC and Section **6** of the Protection of Children from Sexual offences Act giving rise to ST No. **55 of 2022 (S.C. No. 270 of 2021)** and

Allowed

In Re : **Susanta Bhunia** petitioner

Mr. Amal Krishna Samanta,
..... for the petitioner

Mr. Tanmay Kr. Ghosh, ld. SGA
Ms. Sonali Bhar,
..... for the State

Petitioner is in custody for 184 days. Learned lawyer for the petitioner submits that there was a love affair between the parties. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials in the case diary including the statement of the minor victim. Her statement supports the submission of the petitioner with regard to amorous relationship between the parties.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner,

Accordingly, the petitioner 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 Judge, Special Court under POCSO Act, Tamluk, Purba Medinipur on condition that the petitioner shall appear before the trial court on every date of hearing 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 being **C.R.M. (DB) 3378 of 2022** is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)