

30.09.2022
tkm/ct 28
sl no. 72

C.R.M. (DB) 3492 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habra P.S case no. 456 dated 14.5.2022 under sections 376(2)(n)/376D/313/328/392A/506/120B of the IPC and 4/6 of the POCSO Act and 9/10 of the Prohibition of Child Marriage Act

and

Allowed

In Re : Bishnu Bala

..... petitioner

Mr. Soumik Gnguly
Mr. Nimai Ray
Mr. Ronit Mukherjee

..... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

Petitioner is in custody for 135 days. It is submitted there was a love affair between the parties. Marriage could not take place as the victim was minor. Subsequently he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record including the statement of the minor victim. From her statement and other attending circumstances it appears that there was a love affair between the parties. Allegation of blackmail by using objectionable pictures is not supported by production of electronic evidence.

In view of the aforesaid circumstances and as investigation is complete, 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 under, Special court under POCSO Act and Additional Sessions Judge, 2nd Court at Barasat, north 24 Parganas 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 CRM (DB) 3492 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)