

04.11.2022.
17.
as
(Allowed)

C.R.M. (DB) 3565 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport P. S. Case No.85 of 2021 dated 06.04.2021 under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Raj Kishore Shaw @ Babu.
.... Petitioner.

Mr. Debasis Kar,
Mr. Arka Bhadra.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.
...for the State.

It is submitted on behalf of the petitioner there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Petitioner is a cousin of the minor victim. There was sexual relationship between them for more than a year. No contemporaneous complaint with regard to the incident or threat as contended is placed before us.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner i.e. one year and seven months, we are inclined to grant bail to the petitioner.

Accordingly, 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 Chief Judicial Magistrate, Barackpore, North 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)