

31.10.2022
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allowed

CRM(DB) No. 3810 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khatra Police Station Case No. 07 of 2022 dated 13.03.2022 under Sections 363/365 of the Indian Penal Code adding Section 376(3) of the Indian Penal Code with under Section 6 of the POCSO Act.

And

In Re : Kalyan Prasad Patra petitioner

Mr. D. N. Chatterjee
Mr. Madhusudan Mandal
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Mrs. Manasi Roy
..... for the State

Learned Counsel appearing for the petitioner submits there was a love affair between the parties. It is also submitted that petitioner is in custody for 64 days. He prays for bail.

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

We have considered the materials on record. Though the victim was minor, there appears to be an amorous relationship between the parties. Victim is presently pregnant.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

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 Judge, Special Court under POCSO Act, Khatra, Bankura, 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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)