

09.11.2022
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allowed

CRM(DB) No. 3872 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 837 of 2022 dated 21.09.2022 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Dipchand Mandal petitioner

Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Debabrata Chatterjee
Ms. Debjani Dasgupta
..... for the State

Learned Counsel appearing for the petitioner submits there was a love affair between the parties and the petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Allegations of kidnapping and rape requires to be assessed in the light of the submission that there was a love affair between the parties. In view of the aforesaid circumstances and the period of detention suffered by the petitioner i.e. 47 days, 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 Judge, Special Court under POCSO

Act, Malda, 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.)