

16.11.2022
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3983 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.11.2022 in connection with Rampurhat Police Station Case No. 392 of 2022 dated 15.07.2022 under Section 363 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Lakhiram Hansda @ Kalage Hansda***

... .. Petitioner

Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 61 days. It is further submitted there was a love affair between the parties and petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Statements of the victim recorded under Section 164 of the Code of Criminal Procedure are inconsistent. The aforesaid dichotomy requires to be assessed in the light of the aforesaid submission that there was a love affair between two young persons. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Lakhiram Hansda @ Kalage Hansda***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Rampurhat,

Birbhum subject to condition that the said petitioner 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)