

17.11.2022
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allowed

CRM(DB) No. 4002 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagacha Police Station Case No. 183 of 2022 dated 06.05.2022 under Sections 363/365 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

And

In Re : Dipankar Bera @ Dipu petitioner

Mr. Soumya Basu Roy Chowdhury
.....for the petitioner

Md. Anwar Hossain
Ms. Benajir Hasna
..... for the State

Learned Counsel appearing for the petitioner submits there was a love affair between the parties. Petitioner is in custody for 191 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure supports the submission with regard to amorous relationship between the parties.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, 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, Howrah, 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.)