

08.12.2022

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Allowed

C.R.M. (DB) No. 4104 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangasagar Coastal Police Station Case No. 94 of 2022 dated 23.08.2022 under Sections 363/365/34 of the Indian Penal Code with adding Section 376(2)(n) of the Indian Penal Code read with Section 6(1) of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Soumen Das ..... petitioner

Mr. Soumik Ganguli

.....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

....for the State

In spite of intimation nobody appears on behalf of the victim. Her statement is exonerative in nature.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner viz. Soumen Das shall 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 POCSO Act, Kakdwip, South 24 Parganas, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Siddhartha Roy Chowdhury, J.)**

**(Joymalya Bagchi, J.)**