

25.11.2022
SI. No.39
akd
[ALLOWED]

C. R. M. (DB) 4145 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.11.2022 in connection with Dholahat Police Station Case No. 369 dated 06.08.2022 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/366/376 of the Indian Penal Code and Section 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act.

And

In Re: **Montu Baidya @ Mantu Baidya**

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Subashree Patel

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 96 days. It is further submitted there was an amorous relationship between the parties. Investigation is complete.

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

We have considered the materials on record. Allegation of use of force requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. Keeping in mind the facts and circumstances of the case, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Montu Baidya @ Mantu Baidya**, 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-cum-Additional

District & Sessions Judge, 1st Court, Kakdwip, South 24-Parganas
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.)