

28.11.2022
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allowed

CRM(DB) No. 4171 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sadaipur Police Station Case No. 142 of 2021 dated 15.12.2021 under Sections 363/365 of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

And

In Re : Mithun Dome @ Badyakar petitioner

Mr. Saryati Datta
Mr. Sanjib Kumar Dan
Mr. Chitrak Biswas

.....for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak

..... for the State

Learned Counsel appearing for the petitioner submits there was a love affair between the parties. Petitioner is in custody for 105 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner cohabited with the victim.

We have considered the materials on record including statement of the victim girl record under Section 164 of the Code of Criminal Procedure. Her statement is exonerative in nature. Under such circumstances and in view of 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, Suri, Birbhum, subject to condition that 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.)