

28.11.2022
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allowed

CRM(DB) No. 4173 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Egra Police Station Case No. 192 of 2022 dated 22.03.2022 under Sections 363/366/34 of the Indian Penal Code subsequently added Section 4 of the POCSO Act.

And

In Re : Shri Shibu Mangal @ Shiba Mangal petitioner

Mr. Surav Chatterjee
Mr. Bibaswan Bhattacharya
Mr. Madan Mohan Roy
.....for the petitioner

Mrs. Zareen N. Khan
Mr. Arup Sarkar
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 122 days. It is also submitted that there was a love affair between the parties and they cohabited together.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim was a minor and was sexually violated.

We have considered the materials on record. It is alleged that the petitioner, a known person, had kidnapped the victim on false promises. However, in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, she gives a different picture. She states two unknown persons had abducted her. In view of inconsistent stances in the prosecution case and in the light of the submission that there was

a love affair between the parties, we are inclined to grant bail to him, however, subject to strict conditions.

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 Additional District and Sessions Judge, 1st Fast Tract Court at Contai, Purba Medinipur, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Ramnagar Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Ramnagar Police Station once in a week until further orders. 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.)