

28.11.2022
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allowed

CRM(DB) No. 4177 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 897 of 2022 dated 15.08.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Rajesh Jana @ Akash petitioner

Mr. Dattatreya Dutta
Mr. Dibakar Sardar

.....for the petitioner

Mr. S. S. Imam
Mr. R. Jana

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 105 days. It is also submitted that there was a love affair between the parties. Investigation is complete.

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

We have considered the materials on record. Statement of the victim endorses the submission of the petitioner. There was a love affair between the parties. Under such circumstances and in view of 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, Baruipur, South 24-Parganas, 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.)