

06.12.2022
SI. No.33
akd
[ALLOWED]

C. R. M. (DB) 4290 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2022 in connection with Labpur Police Station Case No. 69 of 2020 dated 20.03.2020 under Sections 363/365/120B of the Indian Penal Code along with Sections 4/6 of the POCSO Act.

And

In Re: ***Tanmoy Ghosh***

... .. Petitioner

Ms. Saloni Bhattacharjee
Ms. Gulsanwara Pervin
Mr. Arka Ranjan Bhattacharya
Mr. Davis Uddin Abbasi

... .. for the petitioner

Mr. Abhra Mukherjee
Ms. Manisha Sharma

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 600 days. It is further submitted there was a love affair between the parties.

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

We have considered the materials on record. Statement of the victim endorses the submission there was a love affair between the parties. There is no progress in the matter since the rejection of bail by this court. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Tanmoy Ghosh***, 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 Sessions Judge, Bolpur, Birbhum

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.)