

14.12.2022
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 4337 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.12.2022 in connection with Joynagar Police Station Case No.163 of 2022 dated 26.02.2022 under Sections 363/365/368 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Bubai Halder**

... .. Petitioner

Mr. Gobinda Chandra Baidya

... .. for the petitioner

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about nine months. It is further submitted there was a love affair between the parties.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Though the victim is a minor, her statement is exonerative in nature. In view of the fact that the case arises out of a love affair between two young persons and 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 **Bubai Halder**, 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, Baruipur, 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.)