

15.12.2022.
30.
as
(Allowed)

C.R.M. (DB) 4396 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati P. S. Case No.338 of 2022 dated 16.08.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Swarun Mal @ Apurba Mal.

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Debdipto Banerjee,
Ms. Trisha Rakshit.

...for the Petitioner.

Mr. S. S. Imam, Ld. Jr. Govt. Adv.,
Mr. R. Jana.

...for the State.

Petitioner is in custody for 117 days. It is submitted there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim girl is a minor.

We have considered the materials on record. Victim is a minor but 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 the petitioner.

Accordingly, the petitioner viz., Swarun Mal @ Apurba Mal 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 the POCSO Act, Rampurhat, Birbhum subject to condition he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)