

22.12.2022
tkm/ct 28
sl no. 44

C.R.M. (DB) 4531 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tarakeswar P.S case no. 281 of 2022 dated 8.11.2022 under sections 376(3) of the IPC and under section 6(1) of the POCSO Act

and

Allowed

In Re : Manish Shaw

..... petitioner

Mr. Suman Chakraborty

..... for the petitioner

Mr. A A Siddique

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the two young persons. He is in custody for 44 days

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

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Sessions Judge, Chandernagore on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 4531 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)