

23.12.2022
tkm/ct 28
sl no. 99

C.R.M. (DB) 4610 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habibpur P.S case no. 297 of 2022 dated 18.9.2022 under section 4 of the POCSO Act charge sheet submitted under sections 494/306 IPC read with section 9 of the Prohibition of Child Marriage act and 8 of the POCSO Act
And

Allowed

In Re : Biman Mandal @ Bemol Mondal petitioner

Ms. M Gomes
Mr. M A Sk

..... for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

Affidavit of service is filed.

It is submitted that there was a love affair between the parties and they married each other.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 96 days, 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 Judge, Special Court, ADJ 2nd Court, Malda (in-charge) 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) 4610 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)