

24.01.2023.
24.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 81 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Anandapur P. S. Case No.44 of 2022 dated 28.02.2022 under Sections 363/365 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Dipankar Kuila @ Kuilya.

.... Petitioner.

Mr. Nanigopal Chakraborty.

...for the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...for the State.

Survivor has been intimated. Nobody appears for the survivor.

Petitioner is in custody for 253 days. It is submitted there was a love affair between the parties.

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

We have considered the materials on record. Keeping in mind the aforesaid facts which disclose an intimate relationship between two young persons and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Dipankar Kuila @ Kuilya 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, Paschim Medinipur subject to condition that 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.)