

11.01.2023
tkm/ct 28
sl no. 45

C.R.M. (DB) 88 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kultali P.S case no. 674 of 2022 dated 27.10.2022 under sections 363/365 of the IPC Charge sheet submitted under sections 363/365/376(2)(n)/376(3) of the IPC and section 6 of the POCSO Act and section 9 of the Prohibition of Child Marriage Act
and

Allowed In Re : Dipankar alias Dipanskar Naskar petitioner

Mr. Angshuman Chakraborty

..... for the petitioner

Mr. S S Imam

Mr. R Jana

..... for the State

Petitioner is in custody for 70 days. It is contended there was a love affair between the petitioner and the victim. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant is present.

We have considered the materials on record. Statement of victim is exonerative and supports the defence version.

Under such circumstances, 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 under POCSO Act Baruipur, South 24 Parganas 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) 88 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)