

18.01.2023.
15.
as
(Allowed)

C.R.M. (DB) 93 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Women P. S. Case No.59 of 2022 dated 30.09.2022 under Sections 376/323/504/506/34 of the Indian Penal Code and charge sheet submitted under Sections 376/341/323/504/506 of the Indian Penal Code read with Section 6(1) of the POCSO Act.

In the matter of : Debasish Ghorui.

.... Petitioner.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. S. Halder.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Affidavit of service filed in Court today be kept on record.

Report with regard to intimation to victim has also been filed.

Nobody appears for the victim.

Petitioner is in custody for 92 days. Investigation is complete. It is contended there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure shows there was a relationship between the parties. It is contended there was a love affair between two young persons.

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

Accordingly, the petitioner viz., Debasish Ghorui 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, Arambagh, Hooghly 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.)