

24.02.2023
as/tkm/ct 28
sl no. 20

C.R.M. (DB) 115 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dholahat P.S case no. 181 of 2021 dated 4.6.2021 under sections 363/376 of the IPC read with section 4 of the POCSO Act and under section 9/10 of the Prohibition of Child Marriage Act

Allowed In Re : Saheb Sardar and petitioner

Mr. P S Mondal
Mr. Sourav Mondal

..... for the petitioner

Mr. T K Ghosh
Mr Arindam Sen

..... for the State

Mr. Bapin Baidya

..... for the de facto complainant

Heard learned lawyers for the parties.

Evidence of the victim is placed on record. She deposed there was a love affair between herself and the petitioner.

In view of the aforesaid development endorsing love affair between two young persons and as her deposition is complete, we are of the opinion further detention of the petitioner is not necessary, but his movement may be restricted in order to instill confidence in the mind of the victim and the other witnesses.

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 District & Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, 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 and on further condition that

the petitioner while on bail shall not enter the jurisdiction of Dholahat P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where they shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

. 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) 115 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)