

24.01.2023.
26.
as
(Allowed)

C.R.M. (DB) 117 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Binpur P. S. Case No.11 of 2022 dated 21.02.2022 under Sections 363/365/506/34 of the Indian Penal Code and charge sheet submitted under Sections 363/365/376/506/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Pathik Pramanik.

.... Petitioner.

Mr. S. Das Mahapatra,
Ms. Madhuri Sinha.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Subhasree Patel.

...for the State.

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

Intimation to the survivor is also placed on record. Nobody appears for the survivor.

Learned Advocate for the petitioner submits there was a love affair between the petitioner and the survivor. Survivor and her father have already been examined. He prays for bail.

Learned Advocate for the State opposes the bail prayer. She submits petitioner has criminal antecedents.

We have considered the materials on record. We have also examined the statement of the survivor before the Magistrate as well as in Court. She has not alleged forcible rape.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 200 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Pathik Pramanik 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, Jhargram 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.)