

18.01.2023.
16.
as
(Allowed)

C.R.M. (DB) 142 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur all Women P. S. Case No.30 of 2022 dated 13.04.2022 under Sections 363/365/34 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Ritesh Yadav @ Ritesh Kumar Yadav.
.... Petitioner.

Mr. Siddhartha Sarkar,
Mr. Prasad Bhattacharyya.
...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

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

Service is complete. Nobody appears for the victim.

Heard the learned Advocates for the parties.

We have considered the materials on record. It is contended there was a free mixing between the petitioner and the victim. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure shows that they spent time together for one month.

Under such circumstances and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Ritesh Yadav @ Ritesh Kumar Yadav 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.)