

19.01.2023.
23.
as
(Allowed)

C.R.M. (DB) 186 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Town) P. S. Case No.297 of 2022 dated 28.05.2022 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Md. Arif @ Sk. Arif.

.... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey,
Ms. Monami Mukherjee.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Mr. Sujan Chatterjee.

...for the de-facto complainant.

Petitioner submits there was a love affair between the parties.

Learned Advocate for the de-facto complainant does not dispute such fact. He does not oppose the bail prayer.

We have considered the materials on record. Though the survivor is a minor, it appears there was free mixing between two young persons.

Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner i.e. 216 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Md. Arif @ Sk. Arif 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 Midnapore 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.)