

18.01.2023
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allowed

CRM(DB) No. 205 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bakultala Police Station Case No. 311 of 2022 dated 26.09.2022 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Anarul Kaji alias Gazi petitioner

Mr. Angshuman Chakraborty
.....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
..... for the State

Mr. Sofiul Islam Mondal
..... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for 70 days. It is also submitted that there was a love affair between the parties. He prays for bail.

Learned Counsel for the de facto complainant supports the bail prayer of the petitioner.

Learned Counsel for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. There was a love affair between two young persons. In view of the aforesaid circumstance, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 (POCSO Act), Baruipur, South 24 Parganas, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)