

19.01.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 234 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no. 793 of 2022 dated 23.7.2022 under sections 363/365/506 of the IPC and section 6 of the POCSO Act

Allowed In Re : Sujan Mandal and petitioner

Mr. A K Bhowmick

..... for the petitioner

Mr. Prasun Kr. Datta

Mr. S Deb Roy

..... for the State

Petitioner is in custody for 174 days. It is submitted there was a love affair between the parties. He prays for bail.

Affidavit of service is filed.

Nobody appears for the survivor.

We have considered the materials on record including the statement of the survivor. She stated after the incident she was at the residence of the petitioner for two days. Thereafter, he voluntarily left her at her relation's house. Plea of the petitioner with regard to intimate relationship between two young persons requires to be seen in the light of the aforesaid circumstances.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional District and Sessions Judge, 2nd Court, Special Court, Malda 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.

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) 234 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)