

31.01.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 288 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2023 in connection with Nalhati Police Station Case No.430 of 2022 dated 10.11.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Raju Sk.**

... .. Petitioner

Mr. Manas Kumar Das

... .. for the petitioner

Mr. Rajendra Banerjee

... .. for the de-facto complainant

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. It is further submitted petitioner has been falsely implicated in the instant case.

Learned Additional Public Prosecutor produces the case diary.

Learned Advocate for the de-facto complainant also does not oppose the prayer for bail.

We have considered the materials on record. It is contended there was a love affair between two young persons. De-facto complainant proposes to enter into matrimony after the victim attains majority. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Raju Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Rampurhat, Birbhum subject to condition that

the said petitioner 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)