

31.01.2023
SI. No.26
akd
[ALLOWED]

C. R. M. (DB) 348 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2023 in connection with Harwood Point Coastal Police Station Case No.314 dated 26.07.2022 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365 of the Indian Penal Code and Section 6(1) of the POCSO Act.

And

In Re: **Sumit Manna**

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... .. for the petitioner

Mr. Partha Sarathi Mondal

... .. for the de-facto complainant

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 157 days. It is further submitted victim had left with the petitioner out of her own accord. He relies on statements of neighbours in support of such plea.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statement of the minor victim shows she was kidnapped and raped. However, statements of neighbours of the petitioner where the victim was kept stated that both of them were residing together. Allegation of forcible kidnapping and rape requires to be assessed in the light of the aforesaid circumstances during trial. In this backdrop, balancing the nature of accusation with the period of detention suffered by the

petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sumit Manna**, 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-cum-Additional District & Sessions Judge, 1st Court, Kakdwip, South 24-Parganas 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.)