

03.02.2023.
31.
as
(Allowed)

C.R.M. (DB) 411 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No.741 of 2022 dated 22.08.2022 under Sections 363/365/34 of the Indian Penal Code and under Section 4 of the POCSO Act and charge sheet submitted under Sections 363/365/34 of the Indian Penal Code and under Section 4 of the POCSO Act.

In the matter of : Mannan Sk. @ Mannan Ali.
.... Petitioner.

Mrs. Minoti Gomes.
...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.
...for the State.

Petitioner is in custody for 136 days. It is submitted there was an amorous relationship between the parties. They had married. Investigation is complete. He prays for bail.

Affidavit of service filed in Court today be kept with the record. Nobody appears on behalf of the victim.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Defence plea that there was a marriage between the parties is corroborated in the statement of the victim. No doubt the victim is a minor. However, materials on record give an impression there was an amorous relationship between two young persons.

Bearing in mind the aforesaid circumstances, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Mannan Sk. @ Mannan Ali 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, Malda 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.)