

03.02.2023
Sl. No.41
akd
[ALLOWED]

C. R. M. (DB) 423 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Nischinda Police Station Case No.247 of 2022 dated 10.10.2022 under Sections 363/365/376/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Aakash Chowdhury @ Akash Chowdhury @ Guddu**
... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
... .. for the petitioner

Mr. Sunny Nandy
Ms. Riya Das
Mr. Tamal Singha Roy
Mr. Subha Pathak
... .. for the de-facto complainant

Mr. Abhra Mukherjee
Mr. Dipankar Mahata
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 77 days. It is further submitted there was a love affair between the parties.

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. Victim is a minor. However, her statement corroborates the defence plea that there was a love affair between two young persons. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Aakash Chowdhury @ Akash Chowdhury @ Guddu**, 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, Howrah 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Nischinda Police Station until further orders.

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.)