

24.02.2023
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allowed

CRM(DB) No. 442 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip Police Station Case No. 274 of 2022 dated 01.09.2022 under Sections 363/365 of the Indian Penal Code adding Section 06(1) of the POCSO Act.

And

In Re : Subhojit Mondal petitioner

Mr. Gobinda Chandra Baidya
Mr. G. Baidya
.....for the petitioner

Mr. Tanmay Kumar Ghosh
Mr. Arindam Sen
..... for the State

Report is placed on record.

Nobody appears for the victim.

Heard the learned Counsels for the parties.

We have examined the statement of the minor under Section 164 of the Code of Criminal Procedure. It is stated that there was a love affair between the parties. In view of the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Additional Sessions Judge, 1st Court, Kakdwip, South 24-Parganas, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the

witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)