

10.02.2023.
39.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 561 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.431 of 2021 dated 04.11.2021 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/366A of the Indian Penal Code.

In the matter of : Nasiruddin Laskar.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Mr. Amit Ranjan Pati,
Ms. Afreen Begum.

...for the Victim.

Petitioner is in custody for 395 days. It is submitted there was a love affair between the parties. They had eloped to Kerala. A separate criminal case was registered in Kerala. He is on bail in the said case. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim. Statement of the victim corroborates the defence plea there was a love affair between the parties. It is true victim is a minor but undeniably there was a love affair between two young persons.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner viz., Nasiruddin Laskar 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 Chief Judicial Magistrate, Kakdwip, South 24-Paraganas 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.)