

13.03.2023
tkm/ct 28
sl no. 84

C.R.M. (DB) 692 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranitala P.S case no. 516 of 2022 dated 22.11.2022 under section 363 of the IPC read with sections 4 of the POCSO Act and sections 9/10 of the Prohibition of Child Marriage Act
and

Allowed

In Re : Lilon Sk @ Lilan Sk

..... petitioner

Mr. Navanil De
Mr. R Chakraborty
Mr. S Ghosh
Mr. S Dey
Ms. M Mukherjee

..... for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. They cohabited together as husband and wife for a year. He prays for bail.

Affidavit of service is filed.

Victim was also notified.

Nobody appears for the minor victim.

State has produced case diary. It is submitted victim was minor.

We have considered the materials on record. Allegation of kidnap and forcible rape requires to be assessed in the light of the submission that there was a love affair between the parties and they cohabited as husband and wife for more than a year.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e 122 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Lalbagh, Murshidabad on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 692 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)