

CRM(DB) No. 694 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1139 of 2018 dated 29.10.2018 under Sections 363/365/109 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re : Indrajit Chowdhury @ Bittu petitioner

Mr. Mrityunjoy Chatterjee

.....for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Learned Counsel for the petitioner submits there was a love affair between the parties.

Learned Counsel for the State produces the case diary.

Learned Counsel for the de facto complainant does not oppose the bail prayer.

We have considered the materials on record. Though the statement of the victim is otherwise, both the parties contend there was a love affair between two young persons. A child has been born to them. In view of the aforesaid facts, we are inclined to enlarge the petitioner on bail.

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 District Judge, Special Judge under POCSO Act, Malda, 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.)