

23.02.2023  
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allowed

CRM(DB) No. 702 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matia Police Station Case No. 429 of 2022 dated 12.11.2022 under Sections 363/365/376 of the Indian Penal Code read with Sections 4 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

And  
In Re : Shiv Prasad        ..... petitioner

Mr. Satadru Lahiri  
Mr. Safdar Azam  
.....for the petitioner

Mr. Shiladitya Banerjee  
..... for the State

Affidavit-of-service filed in Court be kept with record.  
Service is complete. Nobody appears for the victim.

We have considered the materials on record. Statement of the victim is exonerative in nature. It appears that there was a love affair between two adults and they have married each other. In view of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

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 Judge, Special Court under POCSO Act, Basirhat, North 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.)**