

13.03.2023
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allowed

CRM(DB) No. 762 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1261 of 2021 dated 10.11.2021 under Sections 6/8 of the POCSO Act.

And
In Re : Umar Faruk petitioner

Mr. Rana Mukhopadhyay
Mr. Rhiddhiman Mukherjee
.....for the petitioner

Mr. Binay Panda
Ms. Sima Biswas
..... for the State

Mr. Suman De
.... for the defacto complainant

Learned Counsel for the petitioner submits there was a love affair between the parties and they intend to marry each other. Victim is presently residing at the residence of the petitioner.

Learned Counsel for the State produces the case diary.

Learned Counsel for the defacto complainant does not oppose the bail prayer.

We have considered the materials on record including statement of the victim. Though she is a minor it appears there was a love affair between two young persons. It is stated she is presently residing at the residence of the petitioner. In view of the aforesaid facts, 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, Additional Sessions Judge, 2nd Court, 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.)