

22.03.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 909 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P. S. Nadia Case No.138 of 2022 dated 08.04.2022 under Sections 363/365/120B of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Sujan Mandal.

.... Petitioner.

Ms. Sujata Das.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Heard the learned Advocates for the parties.

Report is placed on record. Nobody appears for the minor victim or the de-facto complainant.

We have considered the materials on record including the statement of the minor. She states there was an amorous relationship between herself and the petitioner. Though the petitioner is a minor, it is undeniable there was a love affair between two young persons.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as there is no progress in trial since rejection of bail by this Court, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sujan Mandal 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-cum-

Additional District Judge, 2nd Court, Malda 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.)