

14.03.2023
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allowed

CRM(DB) No. 914 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 850 of 2022 dated 22.12.2022 under Sections 363/365/367/34 of the Indian Penal Code and under Section 4 of the POCSO Act.

And

In Re : Rubin Sk. @ Sekh & Ors. petitioners

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath

.....for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

..... for the State

Mr. Jisan Iqubal Hossain

..... for the defacto complainant

Learned Counsel for the petitioners submits petitioners no. 1 and 3 are the relations of the principal accused i.e. petitioner no. 2. They submit there was a love affair between the parties. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the defacto complainant, upon instruction, submits that the victim does not wish to oppose the bail prayer. The couple will marry after the victim attains majority.

We have considered the materials on record. Though victim is a minor it appears there was a love affair between two young persons. Victim is willing to marry petitioner no. 2 after attaining

majority. Under such circumstances, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Lalbagh, Murshidabad, subject to conditions that the petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)