

31.03.2023.
29.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 994 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur P. S. Case No.543 of 2022 dated 21.11.2022 under Sections 376(3) of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Bijoy Mondal.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Mr. Amit Ray.

...for the de-facto complainant.

Petitioner is in custody for 132 days. He submits there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant submits there is apprehension that the petitioner shall intimidate the victim, if released on bail.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission that there was a love affair between two young persons.

Keeping in mind the aforesaid facts, we are of the opinion though further detention of the petitioner is not necessary but his movement requires to be restricted in order to instil confidence in the mind of the victim and other witnesses.

Accordingly, the petitioner Bijoy Mondal 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 the POCSO Act, Ranaghat, Nadia 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Hanskhali Police Station and report to the Officer-in-charge of Taherpur Police Station once in a week until further orders.

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.)