

21.03.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 996 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.03.2023 in connection with Nabagram Police Station Case No.455 of 2022 dated 21.12.2022 under Section 376 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 9/10 of the Protection of Child Marriage Act.

And

In Re: ***Juwel Mallick @ Juil Mallick***

... .. Petitioner

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

... .. for the petitioner

Mr. Jisan Iqbal Hossain

... .. for the de-facto complainant

Ms. Faria Hossain
Ms. Mamata Jana

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 78 days. It is further submitted there was a love affair between the parties.

Learned Advocate for the State produces the case diary.

Learned Advocate for the de-facto complainant does not oppose the bail prayer of the petitioner.

We have considered the materials on record including the statement of the minor. De-facto complainant does not have objection to grant of bail. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Juwel Mallick @ Juil Mallick***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Lalbagh, Murshidabad subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)