

24.04.2023
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allowed

CRM(DB) No. 1139 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghatal Police Station Case No. 140 of 2022 dated 26.04.2022 under Sections 363/365/34 of the Indian Penal Code and added Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Sk. Salauddin @ Saheb petitioner

Mr. Subhasish Pachhal
....for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel
..... for the State

De facto complainant is present in person.

Heard the learned Counsels for the parties.

We have considered the materials on record. Though victim was a minor there was a love affair between two young persons. They eloped. Under such circumstances we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

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 under POCSO Act, Paschim Medinipur. 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.)