

29.03.2023
tkm/ct 28
sl no. 51

C.R.M. (DB) 1211 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara PS case no. 1024 of 2022 dated 30.12.2022 under sections 506/34 of the IPC and under section 4 of the POCSO Act

And

Allowed

In Re : Nilchand Sk

..... petitioner

Mrs. Karabi Roy

..... for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Petitioner is in custody for 85 days. It is contended there was a love affair between the parties. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Nobody appears for the victim.

We have considered the materials on record including the statement of the minor. It appears that there was a love affair between two young persons.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Nadia at Krishnagar on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 1211 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)