

17.04.2023
tkm/ct 28
sl no. 41

C.R.M. (DB) 1306 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dholahat PS case no. 553 of 2022 dated 7.12.2022 under sections 363/365/376(2n) of the IPC read with section 4(2) of the POCSO Act and under section 9 of the Prohibition of Child Marriage Act

And

Allowed

In Re : Prabir Bhandari

..... petitioner

Mr. N S Ghosh
Mr. P S Mondal

..... for the petitioner

Mr. S Bapuli
Mr. Bibaswan Bhattacharya

..... for the State

Mr. G C Baidya

..... for the de facto complainant

It is submitted on behalf of the petitioner that there was a love affair between the parties and victim had voluntarily left her parental home.

Learned lawyer for the State opposes the bail.

Learned lawyer for the victim submits she was recovered from Kerala.

We have considered the materials on record. Though the victim is a minor, it is contended there was a love affair between two young persons. Allegation of forcible kidnapping and rape requires to be considered in the light of the aforesaid perspective.

Keeping in mind the facts and circumstances of the case 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 Additional District & Sessions Judge, 1st Court and Special Court under POCSO Act, Baruipur, South 24 Parganas 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) 1306 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)