

05.04.2023
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 1343 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.03.2023 in connection with Frezerganj Coastal Police Station Case No.2 of 2023 dated 10.01.2023 under Sections 363/365/376 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Shankar Giri***

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sourav Bera
Mr. Sumit Routh
Ms. Riya Das

... .. for the petitioner

Mr. P. K. Datta
Mr. Pradipta Ganguly

... .. for the State

Affidavit-of-service filed in court today be kept with the record.

Service is complete.

Nobody appears on behalf of the victim.

It is submitted on behalf of the petitioner that he is in custody for about 51 days. It is further submitted there was a love affair between two young persons.

Learned Advocate for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Though victim is a minor, her statement shows there was a love affair between two young persons. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Shankar Giri***, 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, Kakdwip, South 24-Parganas 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.)