

24.04.2023
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allowed

CRM(DB) No. 1396 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashoknagar Police Station Case No. 533 of 2021 dated 21.07.2021 under Sections 363/365 of the Indian Penal Code adding Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Ibrahim Mondal @ Ibra petitioner

Mr. Sabyasachi Mukherjee
Syed Neaz Ahmed
Mr. Bibek Dey
Mr. Mukesh Khanna
Ms. Debarati Chowdhury
....for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh
.... for the State

Learned Counsel for the petitioner submits there was a love affair between the parties. They have married as per personal law. He prays for bail.

Learned Counsel for the State opposes the prayer for bail. Pursuant to notice minor along with her father is present in person. They opposes the prayer for bail.

We have considered the materials on record. There was a love affair between two young persons. It is also contended there was a marriage but the minor and her father opposes the bail prayer. In view of the aforesaid circumstances and to ensure protection and security of the minor we are of the opinion petitioner may be enlarged on bail subject to strict conditions.

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 Additional Chief Judicial Magistrate, Barasat, South 24-Parganas, on further conditions that the petitioner shall not enter the jurisdiction of Ashoknagar Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as court below and shall meet the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders. He 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.)