

27.04.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 1450 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2023 in connection with Hasnabad Police Station Case No.593 of 2023 dated 07.12.2022 under Sections 363/365/34/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Sourav Mondal**

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Pradipta Ganguli

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 129 days. It is further submitted there was a love affair between the parties. Investigation is complete. Accordingly, he prays for bail.

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

Nobody appears for the minor victim.

Learned Advocate for the State produces the case diary.

We have considered the materials on record including the statement of the minor recorded under Section 164 of the Code of Criminal Procedure. She admits there was a love affair between the parties. Though the victim is a minor, it appears there was a love affair between two young persons. Investigation is complete. Under such circumstances and in view of 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 **Sourav Mondal**, 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, Basirhat, North 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.)