

03.05.2023.
23.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1556 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1282 of 2022 dated 27.09.2022 under Sections 448/376 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Bittu Das.

.... Petitioner.

Mr. Somnath Adhikary.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,

Mr. Santanu Chatterjee.

...for the State.

Petitioner states he is a child in conflict with law. He has annexed his birth certificate showing his date of birth as 22nd July, 2006. It is also contended there was free mixing between the parties. He prays for bail.

Learned Advocate for the State produces the Case Diary. Notice has been issued upon the victim but she is unrepresented.

We have considered the materials on record. Both victim and the petitioner are teenagers. Allegation of forcible rape of the minor requires to be assessed in the light of tender age of the parties and the submission that there was free mixing between them.

Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Bittu Das 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 Judge, Special Court under the POCSO Act, Berhampore, Murshidabad subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)