

20.04.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 1573 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2023 in connection with Kaliachak Police Station Case No.673 of 2021 dated 27.06.2021 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Krishna Mondal***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Debangana Bhattacharya
Ms. Swarnali Saha

... .. for the petitioner

Ms. Minoti Gomes

... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Soumik Ganguli

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 70 days. It is further submitted there was a love affair between two young persons. A child has been born to the couple. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant submits that the victim wishes to stay with the petitioner. A child has been born to the couple.

We have considered the materials on record. Statements of witnesses show there was a love affair between two young persons. Statement of the minor recorded under Section 164 of the Code of Criminal Procedure has to be appreciated in the light of the aforesaid perspective. Keeping in the mind the facts and circumstances of the case 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 ***Krishna 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-cum-Additional District Judge, 2nd Court, Malda 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.)