

04.05.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 1584 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Rejinagar Police Station Case No.289 of 2022 dated 14.11.2022 under Sections 363/365/34/366 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Biltu Mondal***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 52 days. It is further submitted there was a love affair between the parties. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

In spite of notice, nobody appears for the minor victim.

We have considered the materials on record. Though the victim is a minor, in her statement recorded under Section 164 of the Code of Criminal Procedure, she admitted there was a love affair between the parties. 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 ***Biltu 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, Berhampore, Murshidabad 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.)