

10.05.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 1675 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.04.2023 in connection with Baruipur Police Station Case No.1714 of 2022 dated 07.11.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Santu Dutta**

... .. Petitioner

Mr. Sahiuddin Ahmed
Mr. Anupam Bar

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted there was a love affair between the parties. He was not named in the FIR. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Inspite of notice, nobody appears for the minor victim.

We have considered the materials on record. Statement of the minor shows there was a love affair between the parties. In view of the fact that there was free mixing between two young persons 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 **Santu Dutta**, 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 & Sessions Judge, Baruipur, South 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.)