

10.05.2023
tkm/ct 28
sl no. 31

C.R.M. (DB) 1680 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taldangra PS case no. 40 of 2020 dated 18.8.2020 under sections 365/366/376(3) of the IPC, charge sheet submitted under sections 365/366/376(3) of the IPC and section 6 of the POCSO Act

And

Allowed

In Re : Santosh Hansda

..... petitioner

Mr. Arkaprabho Roy
Mr. D Das

..... for the petitioner

Mr. P K Datta
Mr. S Deb Roy

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties and the petitioner had married the victim as per local customs.

Learned lawyer for the State produces the case diary.

Inspite of service nobody appears for the minor victim.

We have considered the materials on record. It is true the victim is minor but it appears that the parties married as per local customs.

Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner i.e. more than two years we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 POCSO Act Khatra, Bankura on condition that the petitioner shall appear before the trial court on

every date of hearing 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 being CRM (DB) 1680 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)