

10.05.2023
tkm/ct 28
sl no. 32

C.R.M. (DB) 1685 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habibpur PS case no. 49 of 2023 dated 20.2.2023 under sections 363 of the IPC, adding sections 365/376(3) of the IPC read with section 6 of the POCSO Act and 9/10 of the Prohibition of Child Marriage Act

And

Allowed

In Re : Susanta Mandal @ Sushanta Mandal petitioner

Ms. M Gomes

Mr. M Ghosh

..... for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Heard learned lawyers for the parties.

Inspite of service nobody appears for the minor victim.

We have considered the materials on record. Statement of the minor victim shows she had voluntarily left her parental home with the petitioner. It appears that there was free mixing between two young persons.

Under such circumstances 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, Additional District Judge, 2nd Court, Malda 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) 1685 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)