

15.05.2023
27
sdas
allowed

CRM(DB) No. 1759 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 01 of 2023 dated 02.01.2023 under Sections 363/365 of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Bapan Chowdhury petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
.... for the State

Learned Counsel for the petitioner submits he is in custody for 72 days. It is also submitted there was a love affair between them. He prays for bail.

Inspite of service nobody appears for the minor victim.

We have considered the materials on record. Though victim is a minor it appears there was free mixing between two young persons. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall 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, Malda, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders

and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)