

02.05.2023
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allowed

CRM(DB) No. 1767 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 650 of 2022 dated 27.07.2022 under Section 6 of the POCSO Act.

And
In Re : Rintu Kaibarta @ Rintu Koibarta petitioner

Mr. Partha Pratim Das
Mr. Sourav Mukherjee
....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy
.... for the State

Learned Counsel for the petitioner submits there was a love affair between the parties. Victim has not supported the prosecution case of forcible rape. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

In spite of service nobody appears for the victim.

We have considered the materials on record. Victim has not supported the prosecution case. Keeping in mind the aforesaid fact we are inclined to grant bail to the petitioner.

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-cum-Additional Sessions Judge, Chanchal, 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.)