

16.05.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1787 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.239 of 2023 dated 22.03.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Jhantu Das.

.... Petitioner.

Mr. Soupal Chatterjee,
Ms. Sucheta Banerjee.

...for the Petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.,
Ms. Sujata Das.

...for the State.

Petitioner submits there was a romantic relationship between the parties. Victim has been recovered. He prays for bail.

Learned Advocate for the State opposes the bail prayer. In spite of notice, nobody appears for the minor victim.

We have considered the materials on record. Though minor victim alleged she was forcibly kidnapped and married, the said allegation requires to be assessed during trial in the light of the submission there was free mixing between the parties. Minor victim has already been recovered. Further detention of the petitioner for progress of investigation is not necessary.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Jhantu Das 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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)