

12.05.2023
14
sdas
allowed

CRA(DB) No. 127 of 2023

In Re:- In Re:- An application for bail under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in connection with Jhargram Women Police Station Case No. 18 of 2023 dated 03.04.2023 under Sections 363/376(2)/506 of the Indian Penal Code and Section 6 of the POCSO Act and Sections 3(1)(w)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

And

In Re : Sourav Mahata petitioner

Ms. Madhurai Sinha

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Arabinda Manna

.... for the State

Learned Counsel for the appellant submits there was a love affair between the appellant and the minor victim. Learned trial court failed to consider such fact and refused them to enlarge the appellant on bail. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

Affidavit-of-service filed in Court be placed on record.

Inspite of service nobody appears for the minor victim.

We have considered the materials on record including the statement of the minor victim and her mother. It appears that there was free mixing between two young persons. Keeping in mind the aforesaid fact, we are of the opinion further detention of the appellant is not necessary and he may be granted bail.

Accordingly, we direct that the appellant 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, Jhargram, 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.)