

06.06.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1926 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P. S. Case No.103 of 2023 dated 22.02.2023 under Sections 363/366/417/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Minarul Shah.

.... Petitioner.

Mr. Ranadeb Sengupta,
Mr. Tirtharaj Ghoshal.

...for the Petitioner.

Mr. Siladitya Banerjee.

...for the State.

Service upon the victim has been effected. Nobody appears for the victim.

Petitioner is in custody for 104 days. Investigation is complete. He submits there was a love affair between the parties. As a result, victim eloped. Subsequently, upon pressure she was compelled to make statement before the Magistrate. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. It is contended there was a love affair between two young persons. Allegation of forcible rape on the victim requires to be assessed in the light of the aforesaid submission during trial.

Keeping in mind the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Minarul Shah 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 the POCSO Act, Lalbagh, Murshidabad 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.)