

05.07.2023
tkm/ct 28
sl no. 101

C.R.M. (DB) 2045 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Balurghat P.S case no. 94 of 2023 dated 9.2.2023 under section 8 of the POCSO Act
and

Allowed

In Re : Arup Mahanta @Mohanta ... petitioner

Mr. K Choudhury

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen

..... for the State

Petitioner is in custody for 143 days. It is submitted there was a quarrel between the parties. Case and counter case were registered between them. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegation of sexual assault on the minor requires to be assessed in the light of the aforesaid submission with regard to prior enmity.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 in charge (under POCSO Act) Balurghat, Dakshin Dinajpur, on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 2045 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)