

17.07.2023
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allowed

CRM(DB) No. 2333 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 237 of 2021 dated 21.05.2021 under Section 376 of the Indian Penal Code read with Section 4 of the POCSO Act.

In Re : Parimal Mardi And
..... petitioner

Mr. Kallol Mondal
Mr. Musharraf Alam
....for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das
.... for the State

Learned Counsel for the petitioner submits he is in custody for about two years. It is also submitted there was a love affair between the parties . He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim is a minor. Petitioner cohabited on the false promise of marriage.

We have considered the materials on record. Victim was above 17 years of age at the time of occurrence. Parties had fallen in love. Victim has already been examined. Keeping in mind the aforesaid facts and the protracted detention suffered by the petitioner, we are inclined to grant bail to him.

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 Special Judge, 2nd Court, 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.)