

18.07.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (DB) 2479 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.06.2023 in connection with Domjur Police Station Case No.984 of 2022 dated 14.12.2022 under Sections 417/326/406/506/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Samin Mondal***

... .. Petitioner

Mr. Shibaji Kumar Das

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 168 days. It is further submitted there was a love affair between the parties. Accordingly, he prays for bail.

Learned Advocate for the State produces the case diary.

Inspite of service, nobody appears for the victim girl.

We have considered the materials on record including the statement of the minor victim. It appears there was an amorous relationship between the parties. There is no chance of abscondence of the petitioner. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Samin Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Howrah subject to condition that the said

petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)