

06.07.2023
D/L 34
Ct. No.28
Allowed
(SKB)

CRM (DB) 2659 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.259 dated 25.04.2023 under Sections 363/365/376(2)(n)/506 of the Indian Penal Code and Section 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006

And

In the matter of : Bishwajit Mandal

... Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. S. Mondal

... for the petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

... for the State

It is submitted on behalf of the petitioner that there was a love affair between two young persons and they had lived as husband and wife for over a year. He prays for bail.

Learned advocate for the State opposes the bail prayer. He submits that the minor had been forcibly married and detained by the petitioner.

Inspite of notice, no one appears for the minor.

We have considered the materials on record. There is inordinate delay in lodging FIR. The delay probablises the defence version that the petitioner and

the minor victim are living as husband and wife is to be assessed during trial.

Under such circumstances and in view of the period of detention of 73 days, we are inclined to grant bail to the petitioner.

Therefore, the petitioner Bishwajit Mandal 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, POCSO, Arambagh 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 is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)