

28.07.2023
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allowed

CRM(DB) No. 2793 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 760 of 2022 dated 22.09.2022 under Section 6 of the POCSO Act read with Section 9 of the Child Marriage Act.

And
In Re : Utpal Mandal petitioner

Mr. Sagar Saha
.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta
..... for the State

Learned Counsel for the petitioner submits he is in custody for 309 days. It is also submitted there was a love affair between the parties. Victim has already been examined. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim is a minor.

Inspite of service of notice nobody appears for the victim.

We have considered the materials on record. Victim has already been examined. Her deposition needs to be examined in the light of the submission that there was a love affair between the parties. In view of the aforesaid fact and period of 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 Judge, Special Court, ADJ 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.)