

08.08.2023
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allowed

CRM(DB) No. 2918 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 148 of 2023 dated 22.02.2023 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Md. Mistar Ali alias Mistar Md. petitioner

Mr. Soupal Chatterjee

Mr. Anupam Das

Ms. Sucheta Banerjee

....for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Learned Counsel for the petitioner submits there was a love affair between the parties and he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

In spite of notice nobody appears for the victim.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that there was a love affair between two young persons. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 163 days, 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 under POCSO

Act, Chanchal, 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.)