

09.08.2023
18
sdas
allowed

CRM(DB) No. 2940 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 325 of 2023 dated 11.04.2023 under Section 6(1) of the POCSO Act.

And
In Re : Prasenjit Majumder @ Prasen petitioner

Mr. Sumanta Das
.....for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak
..... for the State

Report filed in Court be kept on record.

Learned Counsel for the petitioner submits he is in custody for 118 days. It is also submitted that there was a love affair between the parties. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Inspite of notice nobody appears for the victim.

We have considered the materials on record including the statement of the victim girl. In her statement she claims that she had been raped twice but kept quiet out of fear. It is also admitted the petitioner had expressed his love for her. Matter came to light as her mother found footprint of the petitioner in the house. Possibility of a romantic liason between two young persons cannot be wholly ruled out. Under such circumstances, we are of the opinion that petitioner may be released on bail.

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, Krishnagar at Nadia, 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.)