

16.08.2023
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 3028 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2023 in connection with Joynagar Police Station Case No.83 of 2023 dated 04.03.2023 under Sections 363/366/376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Prosenjit Halder @ Prasenjit Halder***

... .. Petitioner

Mr. Sumanta Chakraborty
Mr. Uttam Kumar Halder

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. Report is placed on record.
2. Nobody appears for the victim girl.
3. Statement of the victim is exonerative in nature. She states there was a romantic relationship between herself and the petitioner. Keeping in mind the aforesaid fact particularly the statement of the victim with regard to romantic relationship between two young persons, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Prosenjit Halder @ Prasenjit Halder***, 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-cum-Additional District & Sessions Judge, Baruipur, South 24-Parganas 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)