

12.09.2023
tkm/ct 28
sl no.58

C.R.M. (DB) 3061 of 2023
CRAN 1 of 2023

In Re : An application for bail under section 439 Cr.P.C in connection with Chanchal PS case no. 657 of 2019 dated 22.8.2019 under sections 4/17 of the POCSO Act

And

In Re : Mahesh Bagdi alias Mahesh Bagti petitioner

Mr. Soupal Chatterjee

Mr. A Mondal

Ms. Sucheta Banerjee

..... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..... for the State

Mr. Anupam Das

..... for the de facto complainant

1. Order dated 2.8.2023 is recalled. Case is restored to its original file and number.
2. CRAN 1 of 2023 is allowed.
3. Petitioner submits there is a romantic relationship between the parties. Victim had voluntarily accompanied him. He prays for bail.
4. Learned lawyer for the de facto complainant submits there was a love affair between the parties.
5. Learned lawyer for the State opposes the bail prayer. He submits victim is a minor.
6. We have considered the materials on record. Though the victim is a minor there was free mixing between the two young persons.
7. In view of the aforesaid fact and as parties intend to marry after the victim attains majority we do not find any reason to keep the petitioner behind bars.

8. Accordingly, the petitioner 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 on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

9. 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.

10. The application being CRM (DB) 3061 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)