

23.08.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3147 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi P.S. Case No.19 of 2023 dated 13.01.2023 under Sections 363/365/34 of the Indian Penal Code and adding Sections 342/376 of the Indian Penal Code and Sections 4/6/17 of the POCSO Act.

In the matter of : Surabuddin Sk.

.... Petitioner.

Mr. Manas Kr. Das,
Mr. Aritra Kr. Thakdar.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Md. Jannat Ul Firdous.

...for the Victim.

1. Petitioner submits there was a romantic relationship between him and the minor victim. She has already been examined. He is in custody for 131 days. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. No doubt the victim is a minor but in her deposition she claimed there was a romantic relationship with the petitioner. Her deposition has already been recorded.
5. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., Surabuddin Sk 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 the POCSO Act, Kandi, Murshidabad subject to condition that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)