

17.08.2023
tkm/ct 28
sl no. 54

C.R.M. (DB) 3241 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal P.S case no. 102 of 2022 dated 22.2.2022 under sections 363/365/34 IPC added section 376 IPC and section 4 of the POCSO Act
and

Allowed

In Re : Sujan Sk @ Sujan Ali ... petitioner

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. S Roy
Mr. Sourav Mukherjee
Mr. Souvik Das

..... for the petitioner

Mr. A A Siddiqui

..... for the State

Mr. Robiul Islam
Mr. Raju Mondal

..... for the de facto complainant

1. Petitioner is in custody for 136 days. It is submitted that there was a romantic relationship between him and the victim girl. Parents did not support the relationship. Hence, they eloped. Subsequently petitioner has been falsely implicated. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant submits victim is a minor and had been kidnapped and raped.
4. We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that there was free mixing between young persons.
5. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner i.e. 136 days, we are inclined to grant bail to the petitioner.

6. 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, Berhampore, Murshidabad 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.

7. 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.

8. The application being CRM (DB) 3241 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)