

21.08.2023
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allowed

CRM(DB) No. 3265 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 647 of 2021 dated 25.10.2021 under Section 363/365 of the Indian Penal Code adding Section 376(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Jakiruddin Baidya @ Jakir Uddin Baidya petitioner

Dr. R. P. Motilal
Mr. Pabitra Biswas

....for the petitioner

Mr. Neguive Ahamed, learned APP
Ms. Trina Mitra

..... for the State

Ms. Sayanti Santra

..... for the opposite party no. 2

1. Learned Counsel for the petitioner submits there was a romantic relationship between the parties. Victim has attained marriageable age and intends to marry the petitioner. He prays for bail.

2. Learned Counsel for the State produces the case diary and submits victim was a minor at the time of occurrence.

3. Learned Counsel for the minor victim contends her client wishes to marry the petitioner.

4. We have considered the materials on record. There was a romantic association between two young persons. Victim intends to marry the petitioner. Under such circumstances further detention of the petitioner is not necessary and he may be granted bail.

5. 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 Chief Judicial Magistrate, Barasat, 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)