

23.08.2023.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3276 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakhashipara P.S. Case No.237 of 2023 dated 29.03.2023 under Sections 363/366/34 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Hapijul Sk.

.... Petitioner.

Mr. Kusal Kr. Mukherjee,
Ms. Pranidhi Singh.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

1. Petitioner submits there was a romantic relationship between the parties. He is in custody for 119 days. Investigation is over. He prays for bail.
2. Learned Advocate for the State produces the Case Diary.
3. In spite of service of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the minor victim. She had voluntarily left with the petitioner.
5. Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., Hapijul 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, Krishnanagar, Nadia 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.)