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allowed

CRM(DB) No. 3450 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 217 of 2023 dated 15.05.2023 under Sections 376(2n)/506 of the Indian Penal Code read with Section 6(1) of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

In Re : Madhusudan Das

And
..... petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
.....for the petitioner

Mr. Sujoy Sarkar
Mr. Rahul Chachan
..... for the de facto complainant

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya
..... for the State

1. Learned Counsel for the petitioner submits there was a romantic association between him and the victim girl. Though victim is a minor. Out of love, they had married. He prays for bail.

2. Leaned Counsel for the de facto complainant does not oppose this submission. He contends that parties intend to live as husband and wife after the victim attains majority.

3. Learned Counsel for the State produces the case diary.

4. We have considered the materials on record. There was a romantic relationship between the parties. Out of love they married. They intend to live as husband and wife after the victim

attains majority. Hence, we are inclined to grant bail to the petitioner.

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 learned Judge, Special Court under POCSO Act, Kakdwip, South 24 Parganas, subject to condition 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)