

19.09.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 3451 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baruipur P.S case no. 1496 of 2022 dated 14.9.2022 under sections 363/365 IPC adding section 6 of the POCSO Act, charge framed under sections 363/366/376(2)(n) IPC read with section 6 of the POCSO Act read with section 9 of the Prohibition of Child Marriage Act
and

Allowed

In Re : Kartick Sardar @ Naskar ... petitioner

Mr. Apalak Basu
Mr. N Ahmed
Ms. S Mridha

..... for the petitioner

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

Ms. Manasi Roy

..... for the victim girl

1. Petitioner submits there was a love affair between him and the de facto complainant. They have been examined. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Ms. Roy appears on behalf of the minor victim.
4. We have considered the materials on record. Minor victim and her mother have been examined. It appears that there was a love affair between two young persons.
5. Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 324 days, we are inclined to enlarge the petitioner on bail.
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, Baruipur, South 24 Parganas 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) 3451 of 2023 is disposed of.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)