

27.09.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3565 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Narendrapur Police Station Case No.412 of 2023 dated 06.05.2023 under Sections 363/365/376(2)(n)/506 of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

And

In Re: **Sourav Mahato**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
Mr. Washim Akram
Ms. Sahanara Shekh

... .. for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 126 days. It is further submitted victim voluntarily eloped with the petitioner. At the behest of her parents, the instant case has been lodged. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Nobody appears on behalf of the victim.
4. We have considered the materials on record. Statement of the victim shows there was an intimate relationship between two young persons. Allegation of rape is to be assessed in the light of the aforesaid circumstances during trial. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sourav Mahato**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas subject to condition that the said petitioner 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)