

15.09.2023
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allowed

CRM(DB) No. 3591 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No. 106 of 2023 dated 06.02.2023 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/376(2)(n) of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Dipankar Naiya @ Dipu petitioner

Mr. Soumik Ganguli
Mr. M. Chatterjee
Mr. Supriyo Shasmal

....for the petitioner

Mr. Partha Pratim Das
Ms. Eshita Dutta

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 74 days. There was love affair between the parties. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

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 victim. He admits there was romantic relationship between two young persons. They have also been married. In view of the aforesaid circumstances we are of the opinion further detention of the petitioner is not necessary and he may be released on 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 learned Judge, Special Court under POCSO Act, Barasat, North 24 Parganas, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)