

05.10.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 3672 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2023 in connection with Baguiati Police Station Case No.434 of 2023 dated 22.07.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Rana Seikh***

... .. Petitioner

Ms. Shabana Hasin

... .. for the petitioner

Mr. Pradip Kumar Das

Mr. Omar Faruk Gazi

... .. for the de-facto complainant

Mr. Binay Panda

Ms. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 69 days. It is further submitted there was free mixing between the parties. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record including the statement of the minor victim. She admitted there was a love affair between the parties. Under such circumstances which establishes romantic relationship between two young persons and in view of 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 ***Rana Seikh***, 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 Judge, Special Court under the POCSO Act, Barasat, North 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.)