

09.10.2023
tkm/ct 28
sl no. 18

C.R.M. (DB) 3705 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jhargram Women's P.S case no. 24 of 2023 dated 25.4.2023 under section 376 IPC and section 6 of the POCSO Act

and

Allowed

In Re : Shibshankar Mahata

... petitioner

Mr. P P Das
Mr. M Basu
Mr. M Chakraborti

..... for the petitioner

Mr. S S Imam
Mr. Sandip Kundu

..... for the State

1. Petitioner is in custody for 127 days. It is submitted there was a romantic relationship between the petitioner and the victim. Subsequently relationship soured. He has been falsely implicated in the case. He prays for bail.
2. Learned lawyer for the State produces the case diary.
3. In spite of notice nobody appears for the minor victim.
4. We have considered the materials on record. Statement of the victim shows there was a love affair between the parties. It is true the victim was minor at the time of commencement of the relationship but the relationship between them continued for more than two years into adulthood.
5. Under such circumstances and in view of the period of detention suffered by the petitioner we are inclined to grant bail to the petitioner.
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, Jhargram 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) 3705 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)