

09.10.2023
tkm/ct 28
sl no. 19

C.R.M. (DB) 3712 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Islampur P.S case no. 242 of 2023 dated 22.6.2023 under section 363/365/376(1) IPC and section 4 of the POCSO Act

and

Allowed

In Re : Tuhin Khan

... petitioner

Mr N S Ghosh
Mr. T Gupta
Ms. S Chatterje
Mr. Sourav Mandal
Ms. Labani Sikdar

..... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

Mr. Arun Shaw

..... for the de facto complainant

1. Petitioner is in custody for 96 days. It is submitted there was a love affair between the parties. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record including the statement of the minor. The minor states that she was taken away by the petitioner on the promise of marriage, but the marriage did not take place. The aforesaid statement corroborates the petitioner's defence that there was a love affair between the two young persons.
5. Keeping in mind the aforesaid fact and as investigation is complete and there is no chance of abscondence we are inclined to grant bail to the petitioner, however, subject to conditions.

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 Lalbagh, Murshidabad 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 and on further condition that the petitioner while on bail shall not enter into the jurisdiction of Murshidabad P.S and shall provide the address where he shall be residing to the Investigating Officer as well as the Court below and shall report to the officer-in-Charge within whose jurisdiction he shall presently reside once in a week until further orders.

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) 3712 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)