

25.09.2023
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allowed

CRM(DB) No. 3713 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 348 of 2023 dated 19.07.2023 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(1) of the PIOCSO Act.

And
In Re : Gouranga Bera petitioner

Mr. Soumik Ganguli
Mr. Supriyo Shasmol
.....for the petitioner

Ms. Z. N. Khan
Mr. A. Sarkar
..... for the State

1. Learned Counsel for the petitioner submits there was a love affair between him and the victim girl. Victim has been recovered. He prays for bail.

2. In spite of service nobody appears for the de facto complainant.

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

4. We have considered the materials on record including statement of the minor. She admits she had eloped with the petitioner and married. In view of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

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 Additional Sessions Judge, 1st Court & Special Court under POCSO Act at Kakdwip, South 24 Parganas, subject to condition 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)