

10.10.2023
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allowed

CRM(DB) No. 3722 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 545 of 2023 dated 12.08.2023 under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Milan @ Rakibul Sk. @ Akibul Sk. petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

....for the petitioner

Mr. Joydeep Roy

Ms. Sujata Das

.... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record including the statement of the minor. She states there was a love affair between two young persons. Allegation of rape requires to be assessed in the light of the aforesaid circumstance during trial. Petitioner is in custody for 60 days. Accordingly, we are inclined to grant bail to the petitioner.

3. 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, Krishnagar, Nadia, 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.

4. 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 automatically without further reference to this Court.

5. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)