

17.10.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3804 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.09.2023 in connection with Habra Police Station Case No.105 of 2020 dated 05.03.2020 under Sections 363/365/376 of the Indian Penal Code read with Section 3 of the Child Marriage Act and Section 6 of the POCSO Act.

And

In Re: **Sandip Roy @ Chotu**

... .. Petitioner

Mr. Sumanta Chakraborty
Ms. Kasturi Dutta

... .. for the petitioner

Mr. Parthaprati Das

... .. for the de-facto complainant

Mr. Neelive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that there was a love affair between himself and the victim. Victim eloped and they are living as husband and wife. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. Learned Advocate for the de-facto complainant/mother of the victim opposes the prayer for bail and submits petitioner shall threaten her and other witnesses if released on bail.
4. We have considered the materials on record. Evidence of the victim shows there was a love affair between herself and the petitioner. They were living as husband and wife. Victim is a minor. But she has been examined and there was free mixing between two young persons.
5. Hence, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

6. Therefore, the accused/petitioner, namely **Sandip Roy @ Chotu**, 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Habra Police Station 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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)