

17.10.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3839 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.09.2023 in connection with Sonarpur Police Station Case No.891 of 2023 dated 26.08.2023 under Section 376(2)(n) of the Indian Penal Code and subsequently charge sheet submitted under Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act read with Sections 9/10/11 of Prohibition of Child Marriage Act.

And

In Re: ***Sibsankar Maity***

... .. Petitioner

Mr. Soumik Ganguli

... .. for the petitioner

Mr. Supriyo Shasmal

... .. for the de-facto complainant

Ms. Zareen N. Khan

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 49 days. It is further submitted there was a love affair between himself and the victim. They have married each other and a girl child was born to the couple. 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 does not oppose the prayer for bail in view of the subsequent developments.
4. We have considered the materials on record. Though victim is a minor, there was free mixing between two young persons. It is contended they have married each other and a girl child was born to them. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Sibsankar Maity***, 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, Baruipur, South 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)