

06.10.2023.
40.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3868 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women P.S. Case No.40 of 2023 dated 04.04.2023 under Sections 363/366/376/506/34 of the Indian Penal Code and Sections 6/17 of the POCSO Act and Sections 9/11 of the Prohibition of Child Marriage Act.

In the matter of : **Asim Mondal.**

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Ms. Zareen N. Khan,
Ms. Mayukhi Mitra.

...for the State.

1. Petitioner submits he is in custody for 187 days. Co-accused are on bail. There was a romantic relationship between petitioner and the victim. Subsequent allegation of rape is out and out false. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim had been forcibly married to the petitioner.
3. In spite of service, nobody appears for the victim.
4. We have considered the materials on record. Allegation of forcible marriage requires to be assessed in the light of the submission that there was romantic relationship between two young persons. Initially, a criminal case of cruelty was registered. In the said case, there was no allegation of rape. Subsequently, allegation of rape has been levelled in the present case. Co-accused are on bail.

5. Under such circumstances, we are of the opinion petitioner may be granted bail.

6. Accordingly, the petitioner viz., **Asim Mondal** 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 the POCSO Act-cum-Additional Sessions Judge, Ranaghat, Nadia subject to condition that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)