

20.11.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3879 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Sandeshkhali Police Station Case No.37 of 2023 dated 12.03.2023 under Sections 363/365/120B/376(3) of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.1008 of 2023)

And

In Re: ***Sudam Mondal***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 203 days. It is further submitted there was a romantic relationship between the petitioner and the victim. They eloped to his aunt's house at Kerala. Thereafter the victim returned and was compelled to lodge FIR. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the statement of the victim. In her statement before Magistrate she stated she had voluntarily left her parental home. Thereafter they stayed in the petitioner's aunt's house at Kerala. These circumstances support the defence plea there was a romantic relationship between two young persons. 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 ***Sudam Mondal***, 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, Basirhat, 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.
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.)