

09.10.2023
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sdas
allowed

CRM(DB) No. 3884 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 260 of 2023 dated 05.06.2023 under Sections 363/365 of the Indian Penal Code and adding Sections 366/376(2)(n) of the Indian Penal Code, Section 6(1) of the POCSO Act and Section 9 of Prohibition of Child Marriage Act.

And
In Re : Arup Mondal petitioner

Ms. Minoti Gomes
Mr. Pradip Paul
.....for the petitioner

Mr. Shiladitya Banerjee
.... for the State

1. Heard the learned Counsels for the parties.

2. In spite of notice nobody appears for the victim. Statement of the victim shows that she had left the residence out of her volition. It is true that victim is a minor but the aforesaid circumstance shows romantic relationship between two young persons. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 109 days, we are inclined to grant bail to him.

4. 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, Kakdwip, South 24 Parganas, 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)