

12.10.2023.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3975 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia P.S. Case No.44 of 2023 dated 15.05.2023 under Section 373(3) of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : **Md. Armaan Alam.**

.... Petitioner.

Mr. Apalak Basu,
Mr. Aashutosh Bhattacharyya,
Mr. Akash Ganguly.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

1. It is submitted on behalf of the petitioner there was a love affair between the parties. As a result, victim became pregnant. When she went to terminate her pregnancy, the case was registered. He prays for bail.
2. In spite of service of notice, nobody appears for the victim.
3. Learned Advocate for the State produces the Case Diary.
4. We have considered the materials on record. Statement of the victim and other materials show though victim is a minor there was free mixing between two young persons.
5. In view of the aforesaid circumstance, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
6. Accordingly, the petitioner viz, **Md. Armaan Alam** 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 Additional Chief Judicial Magistrate, Sealdah, South 24-Paraganas 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.)