

16.10.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 4019 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with Bauria Police Station FIR Case No.290 of 2018 dated 28.12.2018 under Section 363 of the Indian Penal Code read with Section 6 of the POCSO Act and subsequently charge sheet submitted under Sections 363/323 of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006.

And

In Re: ***Rohit Rajbhar @ Rohit Kumar @ Rahit Rajbhar***
... .. Petitioner

Ms. Devi Priya Mitra
... .. for the petitioner

Mr. Kunal Ganguly
... .. for the de-facto complainant

Ms. Zareen N. Khan
Mr. Arup Sarkar
... .. for the State

1. It is submitted on behalf of the petitioner that there was free mixing between two young persons. Subsequently, they married. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. Learned Advocate for the de-facto complainant does not oppose the prayer for bail.
4. We have considered the materials on record. It is true victim was a minor. But there was free mixing between the parties and they intend to live as husband and wife. Under such circumstances, no fruitful purpose would be served in continuing the detention of the petitioner. Accordingly, we are inclined to enlarge him on bail.
5. Therefore, the accused/petitioner, namely ***Rohit Rajbhar @ Rohit Kumar @ Rahit Rajbhar***, 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-cum-Additional Sessions Judge, First Court, Uluberia, Howrah 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.)