

16.10.2023
tkm/ct 28
sl no. 72

C.R.M. (DB) 4052 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Narendrapur P.S case no. 678 of 2022 dated 20.6.2022 under sections 376(3)/ 376(2)(n) IPC, sections 9/10/11 of the Prohibition of Child Marriage Act and section 6 of the POCSO Act and

Allowed

In Re : Sanjoy Chakroborty ... petitioner

Mr. U S Chatopadhyay
Mr. S S Chatterjee
Ms. Trisha Rakshit

..... for the petitioner

Mr. R D Nandy
Mr. Iqbal Kabir

..... for the State

1. Petitioner is in custody for more than a year. It is submitted parties have married each other. Victim has been examined. He renews his bail prayer.
2. In spite of direction, nobody appears for the victim.
3. Learned lawyer for the State opposes the bail prayer.
4. We have considered the materials on record. We have also examined the deposition of the victim. There was a negotiated marriage and it was portrayed to the petitioner that the victim was about to attain majority.
5. Keeping in mind the aforesaid facts and as the victim has already been examined, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner 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, Baruipur on condition that

the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. 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.

8. The application being CRM (DB) 4052 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)