

17.11.2023.  
26.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 4173 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur P.S. Case No.184 of 2023 dated 31.05.2023 under Sections 363/365/376/120B/109 of the Indian Penal Code and Sections 6/17 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act.

In the matter of : **Parimal Bhuia.**

.... Petitioner.

Mr. Amitabha Karmakar,  
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Binay Panda,  
Ms. Puspita Saha.

...for the State.

1. Petitioner submits there was a love affair between the petitioner and the victim girl. Investigation is complete. He prays for bail.
2. Learned Advocate for the State produces the Case Diary.
3. In spite of service of notice, nobody appears for the victim.
4. We have considered the materials on record. Statement of the victim shows there was a romantic relationship between the parties. Investigation is complete.
5. Under such circumstances, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Parimal Bhuia** 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 District and Sessions

Judge, 2<sup>nd</sup> Court, Special Court, Malda 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.)**