

29.11.2023
36
sdas
allowed

CRM(DB) No. 4446 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barabazar Police Station Case No. 54 of 2023 dated 07.04.2023 under Sections 363/365/354/109 of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Rahul Mahato petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
Mr. Swakshar Kumar Mondal
.....for the petitioner

Mr. Partha Pratim Das
Mrs. Manasi Roy
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 236 days. It is also submitted there was a romantic relationship between two young persons. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits victim was a minor and petitioner refused to marry her.

3. We have considered the materials on record. There was a romantic relationship between two young persons. Investigation is complete. There is no chance of abscondence. Under such circumstances we are of the opinion further detention is not necessary and petitioner may be enlarged on bail.

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 Additional Sessions Judge, 2nd Court, Purulia, Special Court under POCSO Act, 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)