

16.01.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 4537 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Palashipara Police Station Case No.366 of 2022 dated 17.10.2022 under Sections 376/417 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Juwel Sk. @ Jamal Hossain Shaikh @ Juyel Sk.**
... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Amanul Islam
Mr. Sourav Mukherjee
... .. for the petitioner

Mr. Arnab Chatterjee
... .. for the de-facto complainant

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 81 days. It is further submitted there was a love affair between the parties.

Learned Advocate for the de-facto complainant opposes the prayer for bail.

Learned Advocate for the State also opposes the prayer for bail.

We have considered the materials on record. Victim is a minor. However, it is contended there was a love affair between two young persons. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Juwel Sk. @ Jamal Hossain Shaikh @ Juyel Sk.**, 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, Tehatta, Nadia 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.

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.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)