

20.01.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 4600 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.12.2022 in connection with Dholahat Police Station Case No.465 of 2022 dated 10.10.2022 under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6(1) of the POCSO Act.

And

In Re: ***Rumjan Mallick***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Partha Sarathi Mondal

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

Report is placed on record. From the report it appears survivor has been notified.

Nobody appears for the survivor.

It is submitted on behalf of the petitioner that he is in custody for about 100 days. It is further submitted there was a love affair between the parties. Investigation is complete.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Statement of the victim is exonerative in nature. In view of the aforesaid fact and the 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 ***Rumjan Mallick***, 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 District & Sessions Judge, 1st

Court, Kakdwip, South 24-Parganas 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)