

02.01.2023
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allowed

CRM(DB) No. 4625 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Women Police Station Case No. 72 of 2022 dated 28.11.2022 under Sections 363/365 of the Indian Penal Code added Section 6 of the POCSO Act.

And
In Re : Sourav Mandal petitioner

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

Mr. Iqbal Kabir
..... for the State

Mr. Amanul Islam
.... for the defacto complainant

Learned Counsel appearing for the petitioner submits he is in custody for about a month. It is also submitted that there was a love affair between the parties. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim is a minor.

Learned Counsel appearing for the de facto complainant supports the prayer of the petitioner.

We have considered the materials on record. Statement of the victim is exonerative in nature. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Judge, Special Court under POCSO

Act, Krishnagar, Nadia, subject to condition 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.

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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)