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CRM(DB) No. 4729 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mohanpur Police Station Case No. 225 of 2023 dated 05.10.2023 under Sections 363/365 of the Indian Penal Code adding Section 376(2)(n)/376(3) of the Indian Penal Code read with Section 6 of the POCSO Act.

In Re : Ashok Maity And
..... Petitioner

Mr. Siddhartha Sarkar
Mr. Hirak Roy
....for the petitioner

Mr. Neugive Ahmed, learned APP
.... for the State

Mr. Aniket Mitra
..... for the de facto complainant

1. Liberty is granted to correct the cause title.
2. Learned Counsel for the petitioner submits there was a romantic relationship between the petitioner and the victim. He is in custody for 52 days. Accordingly, he prays for bail.
3. Learned Counsel for the State opposes the bail prayer.
4. Learned Counsel for the de facto complainant also opposes the bail prayer.
5. We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the statement made by the petitioner before the learned Magistrate. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

6. 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, Paschim Medinipur, 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)