

17.01.2024
tkm/ct 28
sl no. 50

C.R.M. (DB) 148 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gaighata PS case no. 1174 of 2023 dated 2.12.2023 under sections 376(2)(h)/376(3)/506 IPC and section 6 of the POCSO Act

Allowed and
In Re : Gopal Shil alias Gopal Dutta petitioner

Mr. S Bhattacharyya
..... for the petitioner

Mr. Anwar Hossain
Ms. Kum Kum Mitra
..... for the State

Ms. Bidisha Chakraborty
..... for the de facto complainant

1. Petitioner submits there was romantic relationship between the parties. He prays for bail. The submission is supported by the learned lawyer for victim lady.
2. Learned lawyer for the State produces the case diary. He contends victim is a minor.
3. We have considered the materials on record. There is a romantic relationship between the two young persons. De facto complainant does not oppose the bail prayer.
4. Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 46 days we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 at Bongaon, North 24 parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. 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.
7. The application being CRM (DB) 148 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)