

09.02.2024
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allowed

CRM(DB) No. 183 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala Police Station Case No. 208 of 2023 dated 08.06.2023 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365 and subsequently added Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Rajesh Mondal petitioner

Mr. Abdur Rakib
Mr. Bishwajit Sarkar

....for the petitioner

Mrs. Anasuya Sinha
Sk. Arif Hossain

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 100 days. It is also submitted there was a romantic relationship between the parties. Victim has been recovered. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail .

3. In spite of service nobody appears for the victim.

4. We have considered the materials on record. In her statement before the learned Magistrate victim has not spoken of any sexual intercourse. However, before the doctor she admitted there was free mixing between the parties and she had sexual intercourse with the petitioner. In view of the aforesaid which portrays a case of free mixing between two young persons and as

investigation is complete and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

5. 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, Lalbagh, Murshidabad 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)