

22.01.2024
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allowed

CRM(DB) No. 189 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 886 of 2023 dated 05.07.2023 under Sections 363/365/34 of the Indian Penal Code added Section 376 of the Indian Penal Code and Section 4 of the POCSO Act..

And

In Re : Bishal Das alias Bishal Saha petitioner

Sm. Samim Ullah

....for the petitioner

Mr. Sanjoy Bardhan

Mrs. Manasi Roy

.... for the State

1. Learned Counsel for the petitioner submits there was a romantic relationship between two young persons. He is in custody for 140 days. Accordingly he prays for bail.

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

3. We have considered the materials on record including the statement of the victim. Though victim is a minor her statement gives an impression that there was free mixing between two young persons. Keeping in mind period of detention suffered by the petitioner we are inclined to grant bail to him.

4. 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, Berhampore, Murshidabad, subject to condition that

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.

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)