

25.01.2024.

36.

Ct.No.28.

as

(Allowed)

C.R.M. (DB) 223 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur P.S. Case No.623 of 2023 dated 08.09.2023 under Sections 342/328/506/34 of the Indian Penal Code and Section 9 of the Prohibition of Child Marriage Act and added Sections 376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Hritik Halder.**

.... Petitioner.

Md. Wasim Akarm.

...for the Petitioner.

Mr. Sudip Ghosh,
Sk. Arif Hossain.

...for the State.

Ms. Reshmi Khatun.

...for the Victim.

1. Petitioner contends there was a romantic relationship between the parties. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the Case Diary.
3. Learned Advocate for the victim does not oppose the bail prayer.
4. We have considered the materials on record. We have also examined the statement of the victim. It appears there was free mixing between two young persons. Allegation of rape requires to be assessed in the light of the aforesaid circumstances.
5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Hritik Halder** 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 the POCSO Act, Howrah subject to condition that he 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)