

05.03.2024.
39.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 261 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No.792 of 2023 dated 07.10.2023 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376(2)(n)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Dip Pramanick.**

.... Petitioner.

Ms. Minoti Gomes,
Ms. Dona Sanyal.

...for the Petitioner.

Mr. Binay Kr. Panda,
Mr. Arabinda Manna.

...for the State.

1. Heard the learned Advocates for the parties.
2. Inspite of notice nobody appears for the victim.
3. We have considered the materials on record. It appears there was free mixing between two young persons. Allegation of rape is required to be assessed in the light of aforesaid circumstance during trial. Petitioner is in custody for about five months.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Dip Pramanick** 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, Ranaghat, Nadia 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.

6. In the event the 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)