

21.02.2024
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allowed

CRM (DB) No. 270 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 258 of 2023 dated 15.04.2023 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act.

In Re : Rakibul Sk. @ Sekh petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

And
.....
....for the petitioner

Ms. Amita Gaur

.... for the State

Ms. Sonali Das

.... for de facto complainant

1. Learned Counsel for the petitioner submits there was a romantic relationship between the parties. After registration of FIR parties agreed that they would marry each other upon the minor attaining majority. In the light of the aforesaid facts, he prays for bail.

2. Learned Counsel for the State produces the case diary.

3. Learned Counsel for the de facto complainant supports the submission of the petitioner and does not opposes the bail application.

4. We have considered the materials on record. It is contended there was free mixing between two young persons. In view of the aforesaid materials on record we are of the opinion

further detention of the petitioner is not necessary and he may be enlarged on bail.

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 Additional District Judge, 2nd Court (Special Court under POCSO Act), Purulia, 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.)