

16.02.2024
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allowed

CRM(DB) No. 283 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 186 of 2023 dated 01.06.2023 under Sections 34/342/363/365/506 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 363/365/342/506/34 of the Indian Penal Code with adding Sections 354A/114 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Rakesh Chowdhury @ Rocky Chowdhury petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Akash Sarkar

....for the petitioner

Mr. Arijit Ganguly
Mr. Amanul Islam

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 122 days. It is also submitted there is romantic relationship between the parties. 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 including the statement of the victim. In her statement she admitted there was a romantic relationship between the petitioner and herself. She has been recovered. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be released 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 Judge, Special Court under POCSO Act, Malda, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)