

16.02.2024
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allowed

CRM(DB) No. 302 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 199 of 2022 dated 09.06.2022 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Palash Biswas @ Dalim petitioner

Mr. Sandip Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaustav Das

....for the petitioner

Mr. Ranadeb Sengupta

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and two months. It is also submitted there was a 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. Allegation of coercion requires to be assessed in the light of the aforesaid circumstances during trial. Keeping in mind these facts

and period of detention suffered by the petitioner we are inclined to grant bail to him.

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, Krishnanagar, Nadia, 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.)