

19.02.2024
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 347 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2024 in connection with Mothabari Police Station Case No.322 of 2022 dated 08.08.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Prosenjit Mandal @ Liton @ Prasenjit***
... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Ms. Anasuya Sinha
Mr. Shashanka Shekhar Saha
... .. for the State

1. It is submitted on behalf of the petitioner that there was a romantic relationship between the parties. They had married. Victim was handed over to police by his parents. Investigation is complete. Accordingly, he prays for bail.
2. Learned Public Prosecutor opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record. It is contended there was free mixing between two young persons. Allegation of coercion and forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Prosenjit Mandal @ Liton @ Prasenjit***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District & Sessions Judge, 2nd Court, Malda subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)