

20.02.2024
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allowed

CRM (DB) No. 377 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hura Police Station Case No. 133 of 2023 dated 19.10.2023 under Section 6 of the POCSO Act.

And

In Re : Samrat Kaibartya @ Samrat Kaibarta petitioner

Mr. Navanil De
Mr. Srinjan Ghosh

....for the petitioner

Mr. Anwar Hossain
Mr. S. Kundu

.... for the State

Mr. Suranjan Mandal

.... for de facto complainant

1. Learned Counsel for the petitioner submits there was romantic relationship between him and the victim girl. He is in custody for 124 days. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record including the statement of the minor victim. She stated there was romantic relationship between them and accordingly they had cohabited with each other. 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.)