

29.02.2024
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allowed

CRM (DB) No. 421 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 554 of 2023 dated 11.06.2023 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/376(2)(n)(3)/366/344 of the Indian Penal Code and Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Somnath Sikdar petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Ranadeb Sengupta

.... for the State

Mr. Partha Pratim Das

.... for the de facto complainant

1. Learned Counsel for the petitioner submits there was free mixing between him and the minor victim. Accordingly, he prays for bail.

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

3. Learned Counsel for the de facto complainant submits petitioner was a married person.

4. We have considered the materials on record. Petitioner and victim met on a social networking site. There was long association between them and thereafter they started cohabiting together. Allegation that the petitioner had suppressed his marital status requires to be assessed in the light of long

association between the parties and their cohabitation during trial. Offences, if proved, would not attract mandatory life imprisonment. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Alipore, South 24 Parganas, 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.)