

02.04.2024
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 788 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Liluah Police Station Case No.349 of 2022 dated 20.07.2022 under Sections 313/376/417/506/120B of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Sandip Giri**

... .. Petitioner

Md. Wasim Akram

... .. for the petitioner

Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 573 days. It is further submitted there was a romantic relationship between the parties. Accordingly, he prays for bail.
2. Learned Advocate for the State 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 a romantic relationship between two young persons. Deposition of the victim also corroborates this fact. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sandip Giri**, 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, Howrah 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.)