

02.04.2024
Sl. No.36
akd
[ALLOWED]

C. R. M. (DB) 835 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 Dhantala Police Station Case No.606 of 2023 dated 16.08.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Ajay Biswas @ Ajoy Kumar Biswas***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about seven months. 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. Before police, victim stated there was a romantic relationship between the parties. However, she has given a different picture before the Magistrate. In view of the aforesaid dichotomy and 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 ***Ajay Biswas @ Ajoy Kumar Biswas***, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia 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.)