

15.03.2024
tkm/ct 28
sl no. 43

C.R.M. (DB) 837 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Panchla P.S case no. 315 of 2023 dated 19.9.2023 under sections 376(ii)(j)(n)/506 IPC and sections 9/10 of the Prohibition of Child Marriage Act and section 6 of the POCSO Act
and

Allowed

In Re : Chaitanya Mondal @Shankar Mondal ... petitioner

Md. Wasim Akram

..... for the petitioner

Mr. Sandip Chakraborty

..... for the State

Ms. Reshmi Khatun

..... for the de facto complainant

1. Petitioner submits there was free mixing between two young persons. Their family members objected and the case was falsely registered. He prays for bail

2. Learned lawyer for the State produces the case diary.

3. Learned lawyer for the de facto complainant opposes the bail prayer.

4. We have considered the materials on record. In her statement before magistrate the minor stated she had been forcibly kidnapped and married to the petitioner. Presently her lawyer claims she had a love affair and the parties cohabited voluntarily.

5. In view of the aforesaid contradictory stance, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner 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 judge, Special Court under POCSO Act, Howrah on condition that

the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. 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.

8. The application being CRM (DB) 837 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)