

08.04.2024
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 956 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.03.2024 in connection with Daulatabad Police Station Case No.231 of 2022 dated 14.10.2022 under Section 376(1) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Subhasish Mallick**

... .. Petitioner

Mr. Sabir Ahmed
Ms. Suman Biswas
Mr. Dhiman Banerjee

... .. for the petitioner

Mr. Soumik Ganguli
Mr. Fazle Rabi Hazare

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 540 days. It is further submitted there was a romantic relationship between the parties. Vital witnesses have been examined. 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. Vital witnesses have been examined. From their evidence it appears there was a romantic relationship between the parties; both of whom are young persons. 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 **Subhasish Mallick**, 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, Berhampore, Murshidabad 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.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)