

16.04.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 966 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purulia (M) P.S. Case No.204 of 2023 dated 25.08.2023 under Section 4 of the POCSO Act.

In the matter of : **Prasenjit Mahato.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. Arnab Chatterjee,
Mrs. Manasi Roy.

...for the State.

1. Petitioner submits there was a romantic relationship between the parties. He has been falsely implicated. He is in custody for 147 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record. We have also examined the statement of the victim. She admitted there was a romantic relationship between the parties. Allegation of forcible rape requires to be assessed in the light of attending circumstances during trial. There is no chance of abscondence.
5. Under such circumstances, we are inclined to enlarge the petitioner on bail.
6. Accordingly, the petitioner viz., **Prasenjit Mahato** 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 Judge, Special Court under the POCSO Act, Purulia subject to condition that he 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.

7. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)