

02.05.2024  
Sl. No.28  
akd  
[ALLOWED]

C. R. M. (DB) 1188 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.04.2024 in connection with Belgharia Police Station Case No.297 of 2023 dated 07.06.2023 under Sections 4/6 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act.

And

In Re: **Avishek Bhowmick**

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Atif Ahmed Siddiqui

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about eleven months. It is further submitted there was a romantic relationship between the parties. FIR was registered after eight months. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor.
3. We have considered the materials on record. Petitioner and the victim entered into a romantic relationship. However, the victim was a minor. FIR was registered after eight months. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Avishek Bhowmick**, 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, Barrackpore, North 24-Parganas 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.

5. 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.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**