

10.05.2024
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 1301 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.04.2024 in connection with Narendrapur Police Station Case No.300 of 2023 dated 29.03.2023 under Sections 363/365/376(2)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

And

In Re: ***Shuvendu @ Subhendu Bera***

... .. Petitioner

Mr. Tanmay Chowdhury
Mr. Ritoprita Ghosh

... .. for the petitioner

Ms. Trina Mitra

... .. for the victim

Mr. Sanjay Bardhan
Mr. Samarjit Balial

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 380 days. It is further submitted there was a romantic relationship between the petitioner and the minor victim. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. Learned Advocate for the victim supports the submission of the petitioner. She submits as the father of the victim did not agree to the relationship, victim had herself left her residence with the petitioner.
4. We have considered the materials on record including the evidence of the victim. Though the victim is a minor, she stated she had left with the petitioner out of love. There was free mixing between two 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 **Shuvendu @ Subhendu Bera**, 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-cum-Additional Sessions Judge, 1st Co^{ur}t, Baruipur, South 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.
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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)