

02.05.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 1378 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Patiram P.S case no. 171 of 2023 dated 16.8.2023 under sections 365/109 IPC and section 6 of the POCSO Act
and

Allowed

In Re : Aminur Mondal @Aminur Mandal petitioner

Mr. K Choudhury

..... for the petitioner

Mr. Bitasok Banerjee

Mr. Dhansree Biswas

..... for the State

1. In spite of service nobody appears for the victim.
2. We have considered the materials on record. Statements of the victim before police and magistrate are contradictory to one another. It is contended victim had voluntarily eloped with the petitioner.
3. In view of the aforesaid dichotomy in the statements of the victim and the submission made on behalf of the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.
4. 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 Special Judge under POCSO Act Balurghat, Dakshin Dinajpur 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.
5. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.
6. The application being CRM (DB) 1378 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)