

03.5.2024  
Ct. No. 28  
SL No. 26  
SB

C.R.M. (DB) 1393 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No. 709 of 2023 dated 21.11.2023 under Sections 363/365 of the Indian Penal Code adding Sections 366/376(2)(n) /376(3) of the Indian Penal Code & Section 6(1) of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006.

And

In the matter of: Rabi Maity

Mr. Niladri Sekhar Ghosh ...for the Petitioner

Mr. Joydeep Biswas  
Mr. Dattatreya Dutta ....for the State

1. Petitioner is in custody for 136 days. Petitioner contends there was a romantic relationship between parties. They had married each other.
2. In spite of notice nobody appears for the victim.
3. Statement of the victim is exonerative.
4. In view of the aforesaid fact, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 Special Judge, POCSO Court, Arambag, subject to the condition that the 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 petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without any further reference to this Court.
7. The application for bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)