

C.R.M.(DB) 2280 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagarpara** P.S. Case No. 245 of **2023** dated 16.8.2023 under Sections 363/365/34 of Indian Penal Code and under Section 6 of POCSO Act and under Section 4 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: Bijay Mallik @ Bijoy Mallick

Mr. Kingsuk Mondal ...for the Petitioner

Mr. Rudradipta Nandi

Mr. Soumadip Saha ....for the State

1. In spite of service, nobody appears for the victim.
2. We have considered the materials on record including the statement of the minor victim. From her statement it appears there was free mixing between two young persons. Petitioner is in custody for 143 days. Investigation is complete.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. 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 Judge, Special Court under Protection of Children from Sexual Offences Act, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
5. 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 without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)