

45. 06.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (DB) 2358 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Lalgarh** Police Station Case No. **7/2024**, dated **18.01.2024** under Sections **363/366/376(2)(n)/34** of the Indian Penal Code read with Sections **6/17** of the POCSO Act, 2012 and Sections **9/10/11** of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: - **Rupchand Mahata**

...petitioner.

Mr. Soumyajit Das Mahapatra
Ms. Madhusri Sinha

...for the petitioner.

Mr. Partha Pratim Das
Mr. Subhasish Datta

...for the State.

1. Heard learned counsel for the petitioner as well as learned counsel for the State.
2. Inspite of notice nobody appears for the victim.
3. We have considered the materials on record including the statement of the minor victim. Her statement discloses romantic relationship between the two young persons.
4. Under such circumstances, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct the petitioner, namely, **Rupchand Mahata** 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 Court (Additional Sessions Judge, 2nd Court), Jhargram subject to 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.

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 the his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)