

11.11.2024.
64.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3242 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with A.J.C. Boise B. Garden P.S. Case No.265 of 2023 dated 05.12.2023 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365 of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : **Abhay Kumar Sribastav**.

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder.

...for the Petitioner.

Ms. Dhanasree Biswas.

...for the State.

1. Petitioner is in custody for 11 months. He submits there was a romantic relationship between the parties. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. In spite of notice nobody appears for the victim.
4. We have considered the deposition of the victim. Though she is a minor, she admitted there was friendly relationship between the parties. Her deposition is complete. There is little possibility of trial concluding in the near future.
5. Under such circumstances, we are inclined to enlarge the petitioner on bail.
6. Accordingly, the petitioner viz., **Abhay Kumar Sribastav** 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 the POCSO Act, Howrah subject to condition that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)