

13.11.2024
tkm/ct 28
sl no. 65

C.R.M. (DB) 3534 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Cossipore P.S case no. 43 of 2024 dated 13.4.2024 under sections 376/506 IPC read with section 4 of the POCSO Act
And

Allowed In Re : Maheshwar Das ... petitioner

Mr. A Mukherjee
Mr. S Nag
..... for the petitioner
Mr. Soumik Ganguli
Mr. Ronit Mukherjee
..... for the State

1. Petitioner is in custody for 159 days. He submits that there was an intimate relationship between the parties. He has been falsely implicated. He prays for bail.
2. Learned lawyer for the state opposes the bail prayer.
3. Inspire of notice nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. She admits there was a romantic relationship between herself and the petitioner. Possibility of cohabitation out of love between two young persons cannot be ruled out.
5. Under such circumstances and in view of the period of detention suffered by the petitioner we are inclined to grant bail to the petitioner.
6. 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 judge special court under POCSO Act Sealdah south 24 Parganas 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.

7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

8. The application being CRM (DB) 3534 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)