

14.11.2024
Sl. No.87
akd
[ALLOWED]

C. R. M. (DB) 3697 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.11.2024 in connection with Bagnan Police Station Case No.239 of 2024 dated 05.05.2024 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act read with Sections 9/10/11 of the Prohibition of Child Marriage Act.

And

In Re: ***Sujit Dolai @ Sujit Dolui***

... .. Petitioner

Mr. Soumya Basu Roy Chowdhuri
... .. for the petitioner

Mr. Subhamay Bhattacharya
Mr. Arup Sarkar
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 77 days. It is further submitted there was a love affair between two young persons. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. In spite 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 the parties. Cohabitation was out love between two young persons. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Sujit Dolai @ Sujit Dolui***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional Sessions Judge, 1st Court, Uluberia, Howrah subject to condition that the said 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 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.

7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)