

11.01.2024.
47.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4529 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagatballavpur P.S. Case No.45 of 2023 dated 19.02.2023 under Sections 498A/306/34 of the Indian Penal Code and Section 10 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act.

In the matter of : **Suresh Pakhira.**

.... Petitioner.

Md. Sabir Ahmed,
Mr. Alokesh Dalai,
Mr. Tasnim Ahmed,
Ms. Suman Biswas,
Mr. Dhiman Banerjee,
Mr. Soham Chakraborty.

...for the Petitioner.

Mr. Rafikul Islam,
Ms. Sujata Das.

...for the State.

Mr. Soumya Nag,
Mr. Rajib Ghosh.

...for the de-facto complainant.

1. Petitioner is in custody for about 326 days. He submits petitioner and the deceased had a romantic relationship which fructified into married. Subsequently, she committed suicide. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. Report filed on behalf of the State is kept on record.

3. Learned Advocate for the de-facto complainant contends victim was a minor.

4. We have considered the materials on record. Romance had bloomed between two young persons. Subsequently they

married. Unfortunately the deceased committed suicide. Allegations of torture are generic in nature. No suicide note has been recovered. There is no possibility of trial concluding in the near future. Petitioner has strong roots in society and there is no chance of abscondence.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Suresh Pakhira** 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)