

08.01.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 4523 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.11.2023 in connection with Jamboni Police Station Case No.122 of 2023 dated 17.09.2023 under Sections 341/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Harendra Nath Hansda @ Bablu***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Subhrajyoti Dey

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 113 days. It is further submitted there was a romantic relationship between the parties. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record. Statements of witnesses show there was a romantic relationship between two young persons. Investigation is complete. Keeping in mind the aforesaid fact and 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 ***Harendra Nath Hansda @ Bablu***, 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 District &

Sessions Judge, 2nd Court, Jhargram 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.)