

11.01.2024.
49.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4545 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.635 of 2023 dated 04.07.2023 under Section 6 of the POCSO Act.

In the matter of : **Faruk @ Royel @ Machhu.**

.... Petitioner.

Mr. Omar Faruk Gazi,
Ms. Bidisha Das,
Ms. Susmita Das.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. S. S. Saha.

...for the State.

1. Heard the learned Advocates for the parties.
2. In spite of notice, nobody appears for the victim.
3. We have considered the materials on record. There was a romantic relationship between two young persons. Allegation of rape is required to be assessed in light of the aforesaid circumstance.
4. Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Faruk @ Royel @ Machhu** 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, Malda 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)