

17.01.2024
SL No.29
SB/s.biswas
(Allowed)

C.R.M. (DB) 4799 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Keshiary P.S. Case No. 243 of 2023 dated 24.09.2023 under Sections 363/365/376(2)(n)/323 of the Indian Penal Code read with Section 6(1)/17 of the POCSO along with Sections 9/10 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: Manas Ghosh

....Petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srijan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

...for the Petitioner

Mr. Ranabir Roy Chowdhury
Mr. Palash Majhi

...for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record and perused the statement of the victim girl.
3. It is contended that there was a love affair between the two young persons.
4. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as there is no electronic evidence with regard to the objectionable photographs of the victim, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 Additional Sessions Judge, 2nd Court in-

Charge, Special Court under POCSO at Paschim Midnapore, subject to the condition that the petitioner shall appear before the learned trial court on every day 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 comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)