

30.09.2020

Sl. S.L No.2

Ct-11

BM

CRM 6757 of 2020

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I.A No.:CRAN/1/2020

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Chandipur Police Station case No.64 of 2020 dated 08.03.2020 under Sections 363/365/366 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Haripada Karmakar

... Petitioner

Mr. Amitabha Karmakar ... for the petitioner

Mr. Imran Ali

Ms. Manasi Roy ... for the State

Pursuant to the earlier order dated 24.09.2020 passed by a coordinate Bench, the investigating officer of the case along with parent of the victim girl and the victim girl are present before this Court.

The present petitioner is also being represented through his father. Mr. Ali, learned advocate appearing for the State made best of his efforts in presence of the investigating officer. However, we on appreciation of the statements under Section 164 of the victim on the earlier occasion had expressed such view for appearance of the parties. But presently we find that there has been change of circumstances and accordingly Mr. Ali, learned advocate on behalf of the State on instructions opposes the prayer for bail.

We have taken into account the statement of the victim girl under Section 164 of the Code of Criminal Procedure wherein she

categorically stated before the learned Judicial Magistrate that for two months she has stayed at the house of the accused after certain compliance of marriage.

The said statement of the victim girl do not inspire confidence as to whether any force was applied upon her and the same do give a scope for interpretation regarding existence of previous relationship.

Under such circumstances, we are of the opinion that further detention of the petitioner is unwarranted in the facts and circumstances of the case.

Accordingly, the petitioner is directed to be released on bail.

Accordingly, we direct that 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, Second Court, Tamluk, subject to condition that the petitioner shall not intimidate the witnesses and/or avoid the process of law. While on bail the petitioner shall meet with the Officer-in-Charge, or any Police personnel deputed by the Officer-in-Charge, Chandipur Police Station once in a week until further order.

With the aforesaid observations CRM 6757 of 2020 and I.A. No.: CRAN/1/2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)