

13.01.2021
Item No.28
Ct.No.28
dc.
Allowed

C.R.M. 232 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Fariduddin @ Faridul ... Petitioner.

Mr. Mazahar Hossain Chowdhury ... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Duttapukur P.S. Case No. 789 of 2018 dated 11.09.2018 under Section 363 of the Indian Penal Code, 1860 and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012 (corresponding to SPL No. 143/2018).

The learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl and that on the date of the alleged incident the victim girl was aged 16 years 8 months and the petitioner was aged 15 years 11 months. The petitioner is already in custody for 79 days.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and places before us the case diary.

Upon considering the materials in the case diary, the nature of allegations and the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall 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, Barasat, North 24-Parganas.

The application for bail being CRM 232 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)