

10.06.2021
Court No.28
SL No.110
PJ/KC

CRM 2408 of 2021
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 4.3.2021 in connection with **Raiganj P.S. Case No. 275/2019** dated **11.5.2019** under Sections **363/365 of the Indian Penal Code and added Section 4 of the POCSO Act (POCSO Case No. 60/2020)**;

And

In the matter of: **Sujit Das,**

....Petitioner.

Mr. Somnath Banerjee,
Mr. Pronojit Roy,

...for the Petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen,

...for the State.

This application for bail has been filed on the ground that the petitioner is in custody for 132 days.

Learned counsel for the petitioner relies on the statement under Section 164 Cr.P.C. and submits that the complainant and the petitioner now have a child of nine months old.

It is further submitted that they have got married and desirous to live with each other. It further appears from the record that the victim had voluntarily gone with the petitioner although it is a fact that the victim was 14 years old at the relevant point of time.

In the above facts and circumstances of the case, this Court is of the view that the petitioner is entitled to grant relief under Section 439 Cr.P.C.

Accordingly, the petitioner shall be released on bail subject 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 (POCSO), Raiganj, Uttar Dinajpur, subject to condition that the 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 and on further condition that the petitioner shall not enter the jurisdiction of the Court except for the purposes of investigation and attending Court proceedings and shall provide the address where he will reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he will reside once in a week until further orders. The petitioner shall surrender his passport to the IO and if he does not possess passport shall submit affidavit to that effect before the IO.

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.

The application for bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)