

11.06.2021
Court No.28
SL No.129
PJ/KC

**CRM 2788 of 2021
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.3.2021 in connection with **Pathar Pratima P.S. Case No. 108 of 2020 dated 6.9.2020 under Section 6 POCSO Act, 2012 and under Sections 376/323/506/34 of the Indian Penal Code corresponding to Special POCSO Case No. 25 of 2020;**

And

In the matter of: **Nur Alam Sk.**

....Petitioner.

Mr. Gouranga Kumar Das,

...for the Petitioner.

Ms. Zerine Khan,

Mr. Bitasok Banerjee,

...for the State.

Learned counsel for the petitioner submits that that the marriage was arranged between the petitioner and the victim by the respective families when she was 16 years of age. The marriage was taken place two years thereafter.

It is further submitted by the petitioner that the victim's father had for the purpose of marriage given a piece of land to the petitioner on which he had constructed the house. The said arrangement was part of the marriage negotiation, which was to be held between the petitioner and the victim. It is further stated that the marriage did not materialize and the victim was married off to a third person. It is after the failure of that marriage that a complaint came to be lodged against the petitioner.

This Court has considered the statement of the victim under Section 164 Cr.P.C. Admittedly the petitioner used to visit the victim's house during the absence of the parents and they had physical relations.

There is prima facie reason to believe that the physical relations occurred because of the fact that the petitioner and the victim was already fixed.

It is further submitted that the charge-sheet has already been filed and the petitioner is in custody for nine months six days. Since no further custodial interrogation is necessary at this stage, the petitioner's prayer for bail under Section 439 is allowed.

Accordingly, 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 Additional Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, South 24 Parganas, 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.)