

29 26.07.2021
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C.R.M. 3460 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **20/04/2021** in connection with **Narendrapur Police Station Case No. 1666 of 2019** dated **31/12/2019** under Sections **363/365/376/114** of the Indian Penal Code and Section 6 of POCSO Act.

And

In the matter of: - **Rohan Nayek @ Rohan Nayar**

....petitioner.

Mr. Debabrata Acharyya

...for the petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

...for the State.

It is submitted on behalf of the petitioner that the petitioner is aged about 19 years and is in custody for about 326 days. There was a love relationship between the petitioner and the victim which resulted in the victim accompanying the petitioner voluntarily.

Learned Advocate for the State opposes the prayer for bail and draws our attention to the statement of the victim under Section 164 of the Code of Criminal Procedure as well as the medical report of the victim.

We have considered the material on record including the medical report as well the statement of the victim under Section 164 of the Code. Charge-sheet has been submitted upon conclusion of the investigation. Upon consideration of the material on record we are inclined to hold that further detention of the petitioner is not required and he may be granted bail subject to certain conditions.

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 learned Special Judge POCSO, Baruipur, 24-Parganas (South) on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge once in every ten days until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail being C.R.M. 3460 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)