

04.08.2021

Court No.28
Item No.35
(Allowed)

Saswata

CRM 3657 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 28.04.2021 in connection with English Bazar Police Station Case No. 30 of 2021 dated 22.02.2021 under Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Rohit Sarma**

...Petitioner

Mr. Kazi Mokhlasur Rahaman

...For the Petitioner

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 30 of 2021 under Section 6 of the Protection of Children from Sexual Offences Act.

The accused has been implicated in the above-mentioned case under Section 6 of the POCSO Act. It is submitted by the learned Advocate for the accused that there was a love relationship between the parties and they subsequently got married.

The written complaint was submitted by the mother of the victim. From the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we do not find any element of Section 6 of the POCSO Act. The statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure also do not suggest any such ingredient. Therefore, the petitioner is entitled to be released on bail.

The prayer for bail of the petitioner is, thus, considered and allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, special Court under POCSO Act, Malda subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 3657 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)