

C.R.M. 3853 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **01/06/2021** in connection with **Panchasayar Police Station Case No. 69 of 2016** dated **20/07/2016** under Sections **363/366A/376** of the Indian Penal Code and under Section 6 of the POCSO Act, 2012.

And

In the matter of: - **Arun Tamong @ Arun Tamang**

....petitioner.

Mr. Md. M. Hossain,
Mr. S. Lahiri

...for the petitioner.

Mr. Saswata Gopal Mukherjee,
Mrs. F. Hossain,
Mr. A. Mitra

...for the State.

The petitioner has been charged with offences punishable under Sections 363/366A/376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. We are told that the petitioner is in custody for about 177 days.

Learned Advocate for the petitioner submits that there was an affair between the petitioner and the survivor girl. The petitioner did not exert any pressure on the survivor girl. On her own volition the survivor girl accompanied the petitioner.

Learned Advocate for the State produces the case diary. Our attention has been drawn to the statement of the survivor recorded under Sections 161 as well as 164 of the Code. The statement prima facie supports the petitioner's stand that there was an affair between the petitioner and the survivor.

Having considered the facts and circumstances of the case

and the material on record, we are of the opinion that the petitioner is entitled to be enlarged on bail.

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 the Learned Judge, Special Court of 2nd Additional Sessions Judge, Alipore, South 24 Parganas, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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.)