

CRM 4489 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kakdwip Police Station** Case No. **59 of 2021** dated **24.02.2021** under Sections **363/365** of the Indian Penal Code subsequently submitted Charge sheet under Sections 363/366/376(3) and Section 6 of the POCSO Act and Section 9 of the Child Marriage Act.

- A n d -

In the matter of : Suman Das

.... Petitioner.

Mr. Suman Chakraborty,

... For the Petitioner.

Mr. P. K. Dutta, Ld. APP

Mr. S. Deb Roy,

... For the State.

Mr. Amit Singh,

For the defacto complainant.

The allegation is that the petitioner committed offence punishable under Sections 363/365/376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The victim lady was 16 years old at the time of the incident. The petitioner was about 26 year old at that time.

We have seen the statements of witnesses including that of the victim girl who has stated that she voluntarily left her parents and married the petitioner. They are living together peacefully. This is corroborated by learned Advocate appearing for the defacto complainant being the father of the victim girl.

In view of the aforesaid, we are of the view that the petitioner's prayer may be acceded to.

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 Additional Sessions Judge, 1st Track Court, POCSO Court, Kakdwip and on further conditions that he shall not leave 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 adhere to any of the conditions stipulated above 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.)