

CRM 4675 of 2021

In re : An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Haripal Police Station Case No. 210 of 2020 dated 26.07.2020 under Sections 363/365 of the Indian Penal Code, subsequently submitted charge-sheet being CS No. 215 of 2020 dated 30.09.2020 under Sections 376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Act, 2006.

In the matter of : **Harisankar Ghorui @ Shankar Ghorui**
..... petitioner

Mr. Suman Chakraborty

....For the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

....For the State

The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench of this Court by an order dated February 19, 2021, in CRM No. 416 of 2021.

The petitioner says that there was a longstanding affair between the petitioner and the victim. Twice the victim girl eloped with the petitioner. The present complaint has been filed under pressure from the family of the victim. The petitioner says that he and the victim girl got married. The petitioner is in custody for about 412 days. Charge-sheet has been submitted.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She clearly says that she ran away with the petitioner on her own volition and she has got married to the petitioner.

Considering the aforesaid material in the case diary and the protracted detention of the petitioner in custody, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Harisankar Ghorui @ Shankar Ghorui**, 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, POCSO Court at Chandannagar 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 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 upon the server copy of this order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)