

**17.09.2021**  
**Serial no. 16**  
**Dd**

**(Through Video Conference)**

**CRM 6031 of 2021**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **24.08.2021** in connection with Special Court, under the Protection of Children from Sexual Offences **(P.O.C.S.O) Act, 2012 at Berhampore, Murshidabad (Being C. Special case No. 62 of 2015)** in connection with **Shaktipur** Police Station Case No. **70 of 2015** dated **07.04.2015** under **Sections 376/417** of the Indian Penal Code, **and under Sections 4/6/8 of the Protection of Children from Sexual Offences (P.O.C.S.O.) Act, 2012.**

-And-

**In the matter of : Mena Kazi @ Mannan Kazi ...Petitioner**

Mr. Arindam Roy, advocate  
... .. For the Petitioner

Mr. Debabrata Chatterjee,  
Mrs. Manasi Roy, advocates  
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of seven months. He submits that since police submitted charge sheet, further detention of the petitioner is not required. Moreover, the provisions of the POCSO Act are not attracted in view of the age of the victim girl. He relies upon the Aadhar Card of the victim girl in support of such contention.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Code of Criminal Procedure.

Apparently, the victim girl is of the view that the petitioner promised marriage but did not adhere to such promise.

Considering the facts and circumstances of the case and considering the age of the victim as appearing from the Aadhar Card of the victim girl and the statements recorded under Section 164 of the Cr.P.C., we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only) 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, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is **allowed**.

CRM 6031 of 2021 is **disposed of**.

**(Debangsu Basak, J.)**

**(Ananda Kumar Mukherjee, J.)**