

CRM No.5741 of 2021
(Via video conference)

29.11.21

(S.R.)

Sl.18

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Singur** Police Station Case No.41 of 2021 dated 17.02.2021 under Sections 363/365/376(3)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the PCM Act;

And

In re: Raju Bag @ Chattu

... petitioner.

Mr. Arunava Ganguly

... for the petitioner.

Smt. Zareen Khan

Smt. Sreeparna Das

...for the State.

The learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl. She willingly left her house and as such, the ingredients of Sections 363 and 365 are lacking. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for 240 days is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Prima facie, from the statements of the victim as recorded under Sections 161 and 164 of the Code, it appears that there was a love relationship between the petitioner and the victim girl. There are also certain contradictions in her statements as recorded under Section 161 and Section 164 of the Code. The petitioner had already suffered incarceration for 240 days and there is also no possibility towards early conclusion of the trial. Considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, 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 Chief Judicial Magistrate, Additional Chief Judicial Magistrate, Chandernagar, Hooghly with a further condition that the petitioner shall not enter the jurisdiction of Singur Police Station and shall intimate the address where he would be residing to the officer-in-charge of Singur Police Station immediately.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall be present before the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.5741 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)