

08.09.2021
Item no. 37
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 5800 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2021 in connection with Domkal Police Station Case No. 746 of 2020 dated 22.12.2020 under Sections 365/363/212/34 of the Indian Penal Code and Section 4 of the protection of Child from Sexual Offences Act, 2012.

And

In the matter of : Akram Biswas.

.....Petitioner.

Mr. Anisur Rahman, Advocate,

.....for the Petitioner.

Mr. Maidul Islam Kayal, Advocate,

Mr. Binoy Show, Advocate,

.....for the de facto complainant.

Mr. Saibal Bapuli, Ld. APP,

Mr. A. Bhattacharyya, Advocate,

.....for the State.

It is submitted by learned counsel for the petitioner, as corroborated by learned counsel appearing for the de facto complainant, that there was an affair between the accused and the alleged victim and the families of both have agreed to the marriage between the two when they attain majority. As such, sufficient presumption is raised to dispel the case against the accused to constitute a charge under Section 4 of the POCSO Act. Moreover, since the petitioner is of a very

young age and is already in custody for seven months, this is a fit case where the petitioner ought to be enlarged on bail.

Accordingly, CRM 5800 of 2021 is allowed thereby granting bail to the petitioner namely **Akram Biswas** on the following conditions-

- i) The petitioner shall furnish a bond of Rs. 10,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act at Berhampore, Murshidabad.
- ii) The petitioner shall not enter the territorial jurisdiction of the Domkal Police Station during the trial and, as and when trial begins, shall be present on each of the dates of hearing. In the meantime, prior to commencement of trial, the petitioner shall report every fortnight to the Investigating Officer.
- iii) The petitioner shall not, directly or indirectly make out any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing the relevant facts before any police officer or Court and/or tamper with evidence. The petitioner shall report to the Investigating Officer once every fortnight. It is made clear that, for the limited purpose of meeting the Investigating Officer on prior intimation, the petitioner

shall be entitled to enter the jurisdiction of the Domkal Police Station and, immediately after reporting to the Investigating Officer, shall again leave such jurisdiction. The bail is granted only subject to the above conditions. The petitioner shall also furnish his current address to the Investigating Officer at the earliest.

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.

(Bivas Pattanayak, J.)

(Sabyasachi Bhattacharyya, J.)