

28.09.2021
Serial no. 20
Aloke

(Through Video Conference)

CRM 6327 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2021 in connection with Berhampore Police Station Case No. 263 of 2020 dated 12.03.2020 under Sections 363/366/376 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of : Manab Halder

...Petitioner

Ms. Pramita Banerjee, Advocate

... .. For the Petitioner

Ms. Zareen N. Khan, Advocate

Ms. Srereparna Das, Advocate

... ..For the State

Mr. Raju Mondal, Advocate

... for the de facto complainant

Petitioner seeks bail

Learned advocate appearing for the petitioner submits that the petitioner is in custody since March 24, 2020. She submits that since the police submitted charge-sheet further detention of the petitioner is not required.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure as also to the injury report. She submits that although there are external injuries in the medical report, she draws the attention of the Court to the age of the victim girl.

Learned Advocate appearing for the de facto complainant submits that the de facto complainant along with victim girl are present in Court. He submits that the de facto complainant is accepting the existence of the love relationship between the accused and the victim girl.

Considering the contents of the case diary and considering the statements made by the de facto complainant through learned Advocate in Court, 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 jurisdictional 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 jurisdictional court without any justifiable cause, the jurisdictional 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 6327 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)