

CRM 7150 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **28.10.2021** in connection with **Chanditala** P.S. Case No. **205/2020** dated **16.08.2020** under Sections **363/365/120B/376(2)(n) of the Indian Penal Code** and Sections **4/6 of the POCSO Act.**

And

In the matter of: **Nibendhu Palodhi**

....Petitioner.

Mr. Sanjib Mitra

...for the Petitioner.

Mr. Subrata Roy

...for the State.

It is submitted on behalf of the petitioner that there was a love affair between the petitioner and the victim girl and he has been falsely implicated in the instant case. He is in custody for 251 days.

Learned lawyer for the State opposes the prayer for bail and submits that the victim girl is a minor and had been kidnapped and raped by the petitioner with the assistance of co accused.

We have considered the materials on record including the statement of the victim girl. Although there are certain allegations of persuasion by the co accused, Rakhi Chakraborty, who has been granted pre arrest bail, we note that the petitioner and the victim girl went to a temple and married. Defence plea with regard to amorous relationship between the parties requires to be assessed in the light of the aforesaid circumstance.

In view of the aforesaid facts and circumstances and the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Judge, Special Court under POCSO Act, Serampore, Hooghly subject to the condition that the petitioner shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)