

25.11.2021

588

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7511 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dholahat** Police Station Case No. **397** of **2019** dated **01.11.2019** under Sections 363/365 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Utpal Naiya

..... petitioner

Mr. Mrityunjay Chatterjee

Md. G. N. Imrohi

.....for the petitioner

Mr. Rana Mukherjee

Mr. Santanu Chatterjee

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner and the victim were in a relationship.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the contents of the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure (Cr. P. C.) of the victim.

Considering the materials in the case diary including the statement recorded under Section 164 Cr. P.C. and considering the fact that the police filed charge-sheet and considering the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, we direct that 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 Special Judge under POCSO Act, Kakdwip, South 24-Parganas**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)