

26.11.2021

Court No.32

rpan / **04**

CRM 7527 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Jaydeb Parua**

- Petitioner

Mr. Amal Krishna Samanta

For the Petitioner.

Mr. Saibal Bapuli,

Mr. Bibhasan Bhattacharya,

Mr. Arani Bhattacharyya

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Nandigram Police Station Case No. 41 of 2021 dated 25.01.2021 under sections 363/366/376(3)/34 of the Indian Penal Code added with Section 4 of the Protection of Children from Sexual Offences Act.

Mr. Samanta, learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl and he has been falsely implicated. He has already suffered incarceration for about 83 days. Upon completion of investigation charge sheet has been submitted. As such, further detention of the petitioner is not warranted.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the victim girl, as recorded under Section 164 of the Code. He, however, submits that the victim girl has refused medical examination.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The victim girl has already been recovered. Her statement as recorded under Section 164 of the Code, *prima facie*, appears to be vague and she has also refused medical examination. From her statement it appears that she had a love relation with the petitioner. The complaint was also lodged five days after the alleged incident. In the said conspectus and as the petitioner has already suffered incarceration for about 83 days, we are of the opinion that further detention is not warranted, more so when, upon completion of investigation charge sheet has been filed.

Accordingly, we allow this application and direct that the petitioner, namely, **Jaydeb Parua**, 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 a local, to the satisfaction of the learned Judge, Special Court (POCSO), Haldia, Purba Medinipur with a further condition that he shall reside outside the jurisdiction of Nandigram Police Station and shall intimate the address where he would be residing to the Inspector-in-Charge, Nandigram Police Station immediately. He shall also attend the learned trial court on all the dates, as specified for hearing.

He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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.

With the aforesaid observations, the application for bail, being CRM No.7527 of 2021 is 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.)