

CRM(DB) No.11 of 2022

Via video conference

14.02.22

(S.R.)

Sl.20

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dholahat** Police Station Case No.412 of 2021 dated 18/10/2021 under Sections 366A/376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act (Special POCSO Case No.58/21);

And

In re: Falguni Halder

... petitioner.

Mr. Kalyan Kumar Bhattacharjee

... for the petitioner.

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

Mr. Bhattacharjee, learned advocate appearing for the petitioner submits that the petitioner had a love relationship with the victim and she willingly accompanied the petitioner on the concerned date. The allegations levelled against the petitioner are, thus, unfounded. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 110 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Imam, 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 as well as the injury report.

From the statement of the victim girl, it, *prima facie*, appears that the victim wanted to marry the petitioner and she willingly left her house and accompanied him. Upon examining the victim girl no injury was noted and in the said injury report, the victim girl's statement was noted to the effect that she was not abused by any means by the petitioner. In the said conspectus and considering the nature of accusations, we are of the opinion that further detention of the

petitioner is not necessary more so when upon completion of investigation charge sheet has been filed. However, his movement needs to be restricted.

Accordingly, 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 Additional Sessions Judge, 1st Court I/C and Special Court under POCSO Act, Kakdwip, South 24-Parganas with a further condition that the petitioner shall not enter the jurisdiction of Dholahat Police Station until further orders.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates as specified for hearing.

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.

The application for bail being CRM(DB) No.11 of 2022 is, accordingly, 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.)