

27.01.2022

Sl. 136
Court No.29
suvayan
(Allowed)

C.R.M. (DB) 43 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2022 in connection with **Kakdwip** P.S. Case No. **200 of 2021** dated **12/07/2021** under Sections **376(3)** of the Indian Penal Code and Section **9** of the Prohibition of Child Married Act and Section **6** of the POCSO Act.
And

In the matter of: Panchu Gopal Acharya @ Pachu

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Rauth

...for the petitioner.

Ms. Zareen N. Khan
Md. Kutubuddin

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner married with the victim. At the time of marriage the petitioner was not aware that the victim was forced into marriage by her grand parents. He highlights the period of custody of the petitioner. He submits that the police filed charge-sheet. Therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code of the victim.

Considering the fact that the marriage between the petitioner and the victim is admitted and appears from the statements recorded under Section 164 of the Criminal Procedure Code of the victim and considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we are grant bail to the petitioner.

Accordingly, 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 Additional Chief Judicial Magistrate, Special Court at Kakdwip, South 24 Parganas subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he 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 being C.R.M. (DB) 43 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)