

12.04.2022
Serial no. 88
Aloke
Ct. No. 29

CRM (DB) 223 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.01.2022 in connection with Kultali P.S. Case No. 391 dated 21.06.2019 under Sections 363/365/368 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/368/376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act

-And-

In the matter of : Samir Das

... ...Petitioner

Mr. Ayan Basu, Advocate
Mr. Sandip Kr. Mondal, Advocate
Mr. Sumit Routh, Advocate

... ... For the Petitioner

Mr. P.K. Datta, Id. APP
Mr. Santanu Deb Roy, Advocate

... ...For the State

Mr. Gouranga Kr. Das, Advocate

... ... For the de facto complainant

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the victim and the petitioner are married. There is a child born out of such marriage. He submits that the police filed charge-sheet and, therefore, further detention of the petitioner is not required. He files a supplementary affidavit on behalf of the petitioner which be taken on record.

Learned Advocate for the State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits a report which be taken on record.

It appears from the report that the victim is residing at her matrimonial home which is the residence of the petitioner.

The claim of marriage has made on behalf of the petitioner is supported by the de facto complainant through her Advocate.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that there is a child of the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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, Baruipur, South 24 Parganas, subject to condition that petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 223 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)