

14.03.2022
Court No.32
Item No. 21
Avijit Mitra

C.R.M. (DB) No.306 of 2022

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

And

In Re : Dipendu Dolui

Petitioner

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

For the Petitioner

Mr. Debabrata Chatterjee,
Ms. Manisha Sharma

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Dholahat Police Station Case No.475 of 2021 dated 09.12.2021 under sections 363 of the Indian Penal Code and added Sections 363/376 of the Indian Penal Code and Section 6 of the POCSO Act.

Mr. Basu, learned advocate appearing for the petitioner submits that the victim girl had a consensual relationship with the petitioner. The victim girl willingly left her residence and accompanied the petitioner. She thereafter married the petitioner. Upon completion of investigation chargesheet has already been submitted and as such further detention of the petitioner, who is in custody for about 94 days, may not be necessary.

Mr. Chatterjee, 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 as well as her injury report.

Heard the learned advocates appearing for the respective parties.

The victim girl in her statement, as recorded under Section 164 of the Code, has said that she was having a love relationship with the petitioner and they fled away and married. We have also perused the injury report as well as the contents of the complaint. It appears that the victim was having a consensual relationship. Considering the nature of accusations, the injury report and the period of detention already suffered by the petitioner, we are of the opinion that his further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Dipendu Dolui**, 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 Special Judge, Kakdweip under POCSO Act and shall attend the learned Court below on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses 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.

Accordingly, the application for bail, being CRM (DB) No.306 of 2022, 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)