

03.02.2022
Serial no.72
Aloke
Ct. No. 29

CRM (DB) 316 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.01.2022 in connection with Hemtabad P.S. Case No. 154 of 2021 dated 12.07.2021 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : Sunil Roy

... ..Petitioner

Mr. Pronojit Roy, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Sima Biswas, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that there was a relationship between the victim and the petitioner. The petitioner is in custody for 204 days and that the police filed charge-sheet.

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

A lady aged about 17 years of age in a statement recorded under Section 164 of the Code of Criminal Procedure states that there was a love relationship between her and the petitioner and that she voluntarily went with the petitioner without the petitioner kidnapping her and that they are married.

In view of such statement made by the victim recorded under Section 164 of the Code of Criminal Procedure and in view of the period of detention of the petitioner and in view of the fact that the police filed charge-sheet, 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 (POCSO Act), Raiganj, Uttar Dinajpur, subject to condition that the 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) 316 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)