

**CRM (DB) 333 of 2022**

**(via video conference)**

Re: An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Sri Newton Roy**

..... petitioner

**Ms. Sananda Bhattacharyya**

.....For the petitioner

**Mr. Debabrata Chatterjee**

**Ms. Debjani Sahu**

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Taherpur Police Station Case No. 131 of 2020 dated September 3, 2020 under Sections 417/376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Ms. Bhattacharyya, learned advocate appearing for the petitioner submits that the petitioner is renewing his prayer. His prayer was last rejected on 24<sup>th</sup> September, 2021. Subsequently, the *de facto* complainant and the victim lady deposed before the learned trial Court.

Drawing our attention to the deposition of the victim lady, she submits that there was a previous love relationship between the victim girl and the petitioner and that she recorded her statement as stated by the concerned police officer. The petitioner had already suffered long incarceration for about 557 days and as such, his further detention may not

be necessary and he may be enlarged on bail on any stringent condition.

Mr. Chatterjee, learned advocate appearing for the State, however, opposes the petitioner's prayer and submits that there had been no substantial change in the circumstances subsequent to the rejection of the petitioner's prayer for bail. Drawing our attention the statements of the witnesses as well as other documents, he submits that there are strong incriminating materials against the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

As the examination of the victim girl is over and as the petitioner has already suffered incarceration for about 557 days, we are of the opinion that his further detention is not necessary. However, his movement needs to be restricted.

Accordingly, we allow the bail to the petitioner, namely, **Sri Newton Roy** on 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 Judge, Special Court under the POCSO Act, Ranaghat, Nadia and with further direction that the petitioner shall not enter the jurisdiction of Taherpur Police Station until further orders. He shall intimate the address where he would be residing to the Officer-in-Charge of Taherpur Police Station immediately.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall

also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (DB) 333 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.)**