

23.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 378 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gangnapur** Police Station Case No. **269** of **2021** dated **22.11.2021** under Sections 363/365 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re : Balai Goldar

..... petitioner

Ms. Sananda Bhattacharyya

.....for the petitioner

Mr. Sandip Kundu

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioners submits that, the mother of the victim filed an affidavit before the Jurisdictional Court stating that the family of the victim are agreeable to the marriage between the victim and the petitioner.

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 (Cr.P.C.).

The victim was 15 years of old when she recorded her statement under Section 164 of the Cr.P.C. In her statement, she states that she was in love with the petitioner and that in order to marry the petitioner, she left the house voluntarily.

Considering the period of detention of the petitioner and considering the 164 Cr.P.C. statement, we deem it appropriate to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner 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 local, to the satisfaction of the **learned Additional Chief Judicial Magistrate, Ranaghat, Nadia**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)