

10.02.2022

Sl. 47

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 401 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2022 in connection with **Harishchandrapur** P.S. Case No. **406 of 2021** dated **01/06/2021**, (Special Case No.102/2021) under Sections **363/365** of the Indian Penal Code adding Section **6** of the Protection of Children from the Sexual Offences Act.

And

In the matter of: Kashim Ali @ Kasim Ali

....petitioner

Mr. Kallol Mondal

Mr. Krishan Roy

Mr. Arup Sarkar

...for the petitioner.

Mr. Binoy Panda

Ms. Puspits Saha

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that there was a relationship between the petitioner and the victim. In order to avoid harassment from the respective family members, the petitioner and the victim fled their respective houses. He submits that the victim refused to undertake medical test. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. She submits that the victim was recovered from Haryana.

Considering the period of detention of the petitioner and considering the statements recorded under Section 164 of the Criminal Procedure Code which suggests that the victim was taken away from her parents without her consent and considering the fact that the victim was travelling in public transport and was at public

places for different considerable period of time and the victim did not complain to any person, we grant bail to the petitioner.

Accordingly, the petitioner 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 Judge Special Court, Chancal, Malda subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. (DB) 401 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

