

58 24.03.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 454 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Narendrapur** P.S. Case No. **97 of 2020** dated **26/01/2020** under Sections **365/363/376 AB** of the Indian Penal Code and Section **06** of the Protection of Children from Sexual Offences Act, 2012 corresponding to G.R. No.674 of 2020.

And

In the matter of: Gopal Singh alias Gopal Kumar Singh alias Rahul

....petitioner.

Mr. Mahammad Mahmud
Mr. Partha Samaddar

...for the petitioner.

Mr. P.K. Datta, Ld. APP
Mr. Santanu Deb Roy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 71 days. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. There was a love relationship between the victim and the petitioner. They were married and there is a child born out of such marriage.

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.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim states that she left her house voluntarily with the petitioner and that they were married. There is a child born out of such wedlock and they were living as husband and wife.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and considering the fact that there is a child born out of their wedlock, we deem it appropriate to enlarge the petitioner on bail.

Accordingly, the petitioner 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 under POCSO Act, Baruipur, South 24-Parganas subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner 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) 454 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)