

24.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 490 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **213** of **2021** dated **19.04.2021** under Sections 363/365 of the Indian Penal Code, 1860 and adding Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Palash Biswas

..... petitioner

Ms. Sananda Bhattacharyya

.....for the petitioner

Mr. Debabrata Chatterjee

Ms. Debjani Sahu

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioners submits that, the petitioner is in custody in excess of 312 days. There was a love relationship between the petitioner and the de-facto complainant.

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.). She submits that, the victim refused to undergo medical examination.

In 164 Cr.P.C. statement, the victim claims that there were a relationship between her and the petitioner. According

to her, they were married and they lived together as husband and wife for some time.

In view of the 164 Cr.P.C. statement of the victim and in view of the period of detention of the petitioner, 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 District & Sessions Judge, Special Court (under POCSO Act), 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.)

