

28.02.2022

Ct.29

RP 64

Allowed

CRM (DB) 561 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Tehatta PS Case No.439 of 2021 dated 28.08.2021 under Sections 363/365/376/506/34 of Indian Penal Code corresponding to POCSO Case No.21 of 2021.

And

In the matter of : Humayun Mondal @ Maman

.... Petitioner

Mr. Asraf Mandal

.... For the Petitioner

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

.... For the State

The petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner is in custody for 162 days. He submits that the police filed charge sheet and further detention of the petitioner is not required. He further submits that the petitioner and the victim are married. He refers to the marriage certificate annexed to the petition and submits that there was a love affair between the petitioner and the victim. Subsequently, the petitioner and the victim got married. The victim was initially staying at her matrimonial home and thereafter went to her parental home after which the police complaint was lodged by the mother of the victim. He highlights the delay in lodgment of the complaint. He draws attention of the Court to the

medical report wherein the victim stated that she went voluntarily with the petitioner.

Learned advocate appearing for the State draws attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

Considering the statement of the victim recorded in the medical report before the doctor and considering the fact that there is a the marriage certificate suggesting marriage between the petitioner and the victim and considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing 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, 2012 at Tehatta, Nadia subject to the condition that the petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate 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 in

accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 561 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)