

10.03.2022
Serial no. 37
Aloke
Ct. No. 29

CRM (DB) 617 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2022 in connection with Tehatta P.S. Case No. 632 of 2021 dated 26.11.2021 under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.

-And-

**In the matter of: Iswar @ Ratan Pramanick @ Pramanik
... ...Petitioner**

Mr. Kallol Mondal, Advocate
Mr. Amanal Islam, Advocate
Mr. Souvik Das, Advocate
Mr. Sourav Mukherjee, Advocate
Ms. Anamitra Banerjee, Advocate

... ... For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Partha Pratim Das, Advocate
Ms. Amita Gaur, Advocate

... ...For the State

Petitioner seeks bail.

Supplementary affidavit filed in Court be taken on record.

Learned Advocate appearing for the petitioner submits that the petitioner and the de facto complainant were married. A child was born out of such marriage. He refers to the Health Card of the child. He submits that the relationship subsequently went sour and, therefore, the police complaint was lodged. The police filed charge sheet.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure.

Considering the fact that prima facie it appears that the petitioner and the de facto complainant are married and that a child was born out of such marriage and considering the period of detention of the petitioner and his age 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 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, Tehatta, Nadia, subject to 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) 617 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)