

09.03.2022

Sl. 51

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 665 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.03.2022 in connection with **Tehatta** P.S. Case No. **573 of 2021** dated **31/10/2021** under Sections **363/365/376/34** of the Indian Penal Code and under Section **4** of the POCSO Act.

And

In the matter of: Rajesh Das

....petitioner

Mrs. Karabi Roy

...for the petitioner.

Mr. P. K. Datta

Mr. Santanu Deb Roy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner is in custody for 41 days. The police filed charge-sheet. Therefore, further detention of the petitioner is not required. She submits that the petitioner and the victim were known to each other. There was a love affair. The victim left voluntarily with the petitioner. The victim was produced before Court pursuant to an order passed in a writ petition involving habeas corpus where the victim expressed her desire not to return to paternal house whereupon the victim was sent to the home.

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.

Considering the age of the victim and considering her statement recorded under Section 164 of the Criminal Procedure Code where she states that she went voluntarily with the petitioner and considering the age of the petitioner and his period of detention and considering the fact that the police filed charge-sheet, we grant

bail to the petitioner.

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, Tehatta, Nadia 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.

Accordingly, the prayer for bail of the petitioner is allowed.

CRM (DB) 665 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)