

CRM (DB) 745 of 2022

17.03.2022
Sl. 35
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **14.03.2022** in connection with **Barrackpore** Police Station Case No. **450** of **2021** dated **12.11.2021** under Section **376AB** of the Indian Penal Code and Section **6** of the POCSO Act.

And

In the matter of: **Rana Roy @ Romeo Roy @ Romio @ Amiya @ Rana Mama**

....petitioner.

Mr. Soubhik Mitter
Mr. Litan Maitra
Mr. Kalyan Kumar Bhattacharya
Ms. Rajnandini Das

...for the petitioner.

Ms. Pfarina Hossain
Mr. Anand Keshari

... for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 125 days. The police filed charge-sheet and, therefore further detention of the petitioner is not required. He submits that the mother of the defacto complainant was a tenant under the petitioner. Such tenancy was created in the year 2018. There are three several charge-sheets against the mother of the victim. The mother of the petitioner lodged general diary with the police much prior in point of time. The present police complaint is a counter-blust to such steps being taken by the petitioner and his family members. He submits that the present police complaint was lodged at least seven months from the date of the alleged incident.

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.

The victim is twelve years of age. In her statement recorded under Section 164 of the Criminal Procedure Code, she implicates the petitioner. In the facts of the present case, the petitioner is in custody for 125 days. The police filed charge-sheet. The possibility of the petitioner being framed in view of the past relationship between the petitioner and his family and the family of the defacto complainant cannot be ruled out completely.

In such circumstances, we deem it appropriate to grant bail to the petitioner.

Accordingly, the petitioner 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 Special Judge, under the POCSO Act, Barrackpore, North 24 Parganas, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and 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 **CRM (DB) 745 of 2022** is,
thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

