

68 22.03.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 786 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kultali** P.S. Case No. **488 of 2021** dated **26/09/2021** under Sections **363/365/366/376(3)/120B** of the Indian Penal Code read with Section **4** of the Protection of Children from Sexual Offences Act, 2012, corresponding to Special Case No.183 of 2021.

And

In the matter of: Dhananjay Halder

....petitioner.

Mr. Bapin Baidya

...for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 126 days. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. He submits that the petitioner and the victim were in a relationship.

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

In her statement under Section 164 of the Code of Criminal Procedure, the victim states that she was in a relationship with the petitioner and that they were married. She left with the petitioner voluntarily.

Considering the period of detention of the petitioner and

considering the fact that the police submitted charge sheet and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 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, Baruipur, South 24-Parganas, subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner 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 **C.R.M. (DB) 786 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)