

91 28.03.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 833 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Belgharia Women** P.S. Case No. **720 of 2021** dated **16/10/2021** under Sections **376(3)** of the Indian Penal Code, 1860 read with Sections **6/8** of the Protection of Children from Sexual Offences Act, corresponding to Special Court (POCSO) Case No.122 of 2021.

And

In the matter of: Rajib Mitra @ Matu

....petitioner.

Mr. Kallol Mondal
Mr. Bratin Kumar Dey
Mr. Krishan Ray
Ms. Mahasweta Pramanik

...for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 164 days. The police submitted charge and, therefore, further detention of the petitioner is not required. Learned Advocate appearing for the petitioner also submits that the victim is an orphan and she was being taken care of by the sister of the petitioner. The victim was being treated for psychological problems. He refers to a report of the psychological assessment of the victim dated December 2, 2020. He submits that the general diary was lodged with the police on November 4, 2020 with regard to the affairs of the victim. The victim was keeping bad company and was sought to be disciplined by the family of the sister of the petitioner whereupon, the present police complaint was lodged falsely implicating the petitioner.

Learned Advocate appearing for the State draws the attention

of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, her age and the medical examination of the victim.

It appears that the victim was being treated for psychological problems. There is a psychological assessment report dated December 2, 2020 of the victim which states that the victim was of impulsive character with risk taking temperament and with a tendency to assign blame on others. The family of the petitioner was also lodged a general diary with the police on November 4, 2020 itself much prior to the alleged incident recording the affairs of the victim and that she was keeping bad company.

Considering the materials in the case diary and considering the gravity of the offence and the involvement of the petitioner therein and the psychological assessment report of the victim dated December 2, 2020 of the Mind Care Clinic and considering the period of detention of the petitioner and the fact that the police submitted charge sheet, we enlarge the petitioner on bail.

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, Barrackpore, North 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) 833 of 2022** is,
thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)