

CRM (DB) 857 of 2022

30.03.2022
Sl. 72
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Tarakeswar** Police Station Case No. **337** of **2021** dated **11.12.2021** under Sections **363/365/376** of the Indian Penal Code and Section **4** of the POCSO Act, 2012 and Section **9** of the Prohibition of Child Marriage Act, 2006..

And

In the matter of: **Aloke Majhi**

....petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,

...for the petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das,

... for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 107 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that there was a relationship between the petitioner and the victim.

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 16 years of age. She in her statement recorded under Section 164 of the Criminal Procedure Code states that she went voluntarily with the petitioner and that there is a love relationship between her and the petitioner.

Considering the respective age of the victim and the petitioner herein and considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code and

considering the period of detention of the petitioner 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court, POCSO Act, Chanddannagar, Hooghly, 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) 857 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

