

06.04.2022
Serial no. 45
Aloke
Ct. No. 29

CRM (DB) 911 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 01.04.2022 in connection with Kakdwip P.S. Case No. 6 of 2022 dated 11.01.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

-And-

In the matter of : Amit Das

... ..Petitioner

Mr. Shibaji Kr. Das, Advocate
Ms. Rupsa Sreemani, Advocate

... .. For the Petitioner

Mr. Arijit Ganguly, Advocate
Mr. Sanjib Kr. Dan, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim. The petitioner is in custody for 77 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He highlights the respective age of the victim and the petitioner.

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

The victim was 15 years of age at the time of the incident. In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim narrates that she was in love with the petitioner. She exonerates the petitioner from all the allegations.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet

and taking into consideration the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are inclined to grant bail to petitioner.

Accordingly, we direct that the petitioner shall 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, Kakdeip, South 24 Parganas, subject to condition that petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 911 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)