

45 07.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 920 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **C. Special POCSO Case No.41/2021** arising out of **Ranitala** P.S. Case No.**329 of 2021** dated **05/09/2021** under Sections **376/417/34** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offences Act.

And

In the matter of: Masum Sk @ Samim Sk.

....petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta

...for the petitioner.

Mr. P.K. Datta, Ld. APP
Mr. Santanu Deb Roy

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 212 days. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. The petitioner and the victim were in a relationship. He refers to the age of the two parties.

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.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims that she went with the petitioner voluntarily in order to marry him.

Considering the period of detention of the petitioner and considering the fact that the police submitted charge sheet and considering the respective age of the victim and the petitioner and

considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure where she acknowledges the relationship between her and the petitioner, 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, Lalbagh, Murshidabad, subject to the condition that during bail the petitioner shall appear before the learned trial court on the dates 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) 920 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)