

**C.R.M. (DB) 969 of 2022**

**12.04.2022**  
Sl. 64  
Court No.29  
(sourav)  
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kotulpur** Police Station Case No. **02** of **2022** dated **02.01.2022** under Sections **366/506/376(3)** of the Indian Penal Code and read with Section **6** of the POCSO Act, 2012.

And

In the matter of: **Bahuddin Bayen**

....petitioner.

Mr. Soumik Ganguli

...for the petitioner.

Ms. Zareen N. Khan

Mr. Arup Sarkar

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that there was a relationship between the petitioner and the victim. The petitioner is in custody for 100 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

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 and to the opinion of the doctor examining the victim.

The doctor in his report states that the victim did not name any person.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code states that there was a marriage between her and the petitioner and that she is not agreeable to the marriage because of her tender age as also the fact that the petitioner is a married person.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the opinion of the doctor, 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 Judge, under POCSO Act, Bishnupur, Bankura, 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 **C.R.M. (DB) 969 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

