

27.04.2022

Sl. 57

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 1099 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tarakeswar** P.S. case No. **80 of 2021** dated **29/04/2021** under Sections **376(2)(f)(n)/342/323/506/34** of the Indian Penal Code and under Sections **4/6** of the POCSO Act and under Sections **9/10** of the Child Marriage Act.

And

In the matter of: Tufan Jana

....petitioner

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

...for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the evidence of the victim is over. He refers to such evidence. He submits that the victim was declared as hostile. According to him, that the petitioner was falsely implicated.

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

The victim was examined in chief and was declared as hostile. The victim was also cross-examined. In her cross-examination, the victim stated that she went away voluntarily from her home and came back to her paternal home alone. She stated that she did not co-habit with the accused son Tufan Jana.

Considering the evidence of the victim without making any final pronouncement thereon and considering the period of detention of 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 Chief Judicial Magistrate, Chandannagore, Hooghly 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 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) 1099 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)