

06.05.2022

Serial no. 52

[Dd]

(Bail **allowed**)

CRM (DB) 1212 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **POCSO No. 13/2022** corresponding to **Kotwali** Police Station Case No. **87** of **2022** dated **28.01.2022** under Sections **363/365** of the Indian Penal Code and section **4** of the POCSO Act.

-And-

In the matter of : Swarup Sk

... .. Petitioner

Mr. Kusal Kumar Mukherjee, Advocate

... .. For the Petitioner

Mr. Joydeep Roy, Id. Jr.Govt. Adv.

Ms. Sujata Das, Advocates

... ..For the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 97 days. The police filed charge sheet. The petitioner and the victim were married. In support of such contention he relies on a certificate of marriage.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Criminal Procedure Code and also under Section 164 thereof.

In reply to a query of the Court he submits that the victim refused medical examination.

The complaint was lodged 30 days after the marriage. The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that she is 17 years of age. There is a certificate of marriage.

Considering the period of detention of the petitioner and considering the materials in the case diary, we are inclined to grant bail to the 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, Krishnagar, Nadia** subject to condition that the 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 of the petitioner is **allowed**.

CRM (DB) 1212 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Kausik Chanda, J.)