

07.07.2022
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allowed

CRM(DB) No. 2160 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kultali Police Station Case No. 01 of 2022 dated 01.01.2022 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act and Section 9 of prohibition of Child Marriage Act and charge sheet filed under Sections 363/365/366/376(C) of the Indian Penal Code read with Section 4 of the POCSO Act and Section 9 of prohibition of Child Marriage Act.

And

In Re : Chandi Das Naskar petitioner

Ms. Pritha Bhowmick Basu
Ms. Sananda Bhattacharyya
Mr. Nazir Ahmed

.....for the petitioner

Ms. Amita Gaur
Ms. Brototi Roy Chowdhury
Ms. Chandreyi Dutta

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for about 183 days. It is further contended that there was a love affair between the parties. Investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. While in the injury report it is alleged that there was forcible intercourse, statement of the victim girl under Section 164 of the Code of Criminal Procedure states otherwise.

In view of the aforesaid dichotomy and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Baruipur, South 24 Parganas, subject to the 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 application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)