

15.07.2022
Item No.24
Court No.28
CHC
Allowed

CRM (DB) 2325 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Panskura Police Station Case No. 346/2020 dated 26/10/2020 under Sections 363/366/34 of the Indian Penal Code but charge sheet was submitted being number 32/2022 dated 29/01/2022 under Sections 363/366/376(3) of the Indian Penal Code read with Sections 6/17 of the Protection of Children from Sexual Offences Act and also Section 9 of the Prohibition of Child Marriage Act.

-And-

In the matter of : **Soumen Sing @ Sushanya Singha**
@ Soumen Singh

... .. Petitioner

Mr. Swapan Kumar Mallick, Advocate
Ms. Sudeshna Das, Advocate

... .. For the Petitioner

Ms. Anusuya Sinha, Advocate
Mr. Pinak Kr. Mitra, Advocate

... ...For the State

It is submitted on behalf of the petitioner that the petitioner is in custody for 100 days and has been falsely implicated in the instant case. Victim had married the petitioner out of love and affection.

Learned advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Criminal Procedure Code. Victim admitted that she had accompanied the petitioner voluntarily to visit puja pandals. The allegation of forcible marriage and rape requires to be assessed in light of the aforesaid conduct of the victim admitting close association and friendship with the petitioner.

Keeping in mind the aforesaid facts and circumstances of the case and 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 Chief Judicial Magistrate, Tamluk, Purba Medinipur, 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.)