

**CRM 8037 of 2021**  
**(via video conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

**In Re : Nikhil Chakraborty**

.....Petitioner

**Mr. Madhusudan Mandal**

.....for the Petitioner

**Mr. S. G. Mukherji, Ld. PP**

**Mr. Bidyut Kumar Roy**

**Ms. Rita Datta**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Para P.S. Case No. 47 of 2021 dated 22.05.2021 under Section 363 of the Indian Penal Code and Section 6 of the POCSO Act.

Mr. Mandal, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl, who willingly and without any inducement left her residence and accompanied the petitioner. She also refused medical examination. Upon completion of investigation, charge sheet has also been submitted. In view thereof, further detention of the petitioner, who is in custody for about 225 days, is not necessary.

Mr. Mukherji, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code. He, however, has not disputed fact that the victim refused the medical examination.

It *prima facie* appears that the relationship between the petitioner and the victim was consensual in nature. Considering the statement of the victim, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his further detention is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Nikhil Chakraborty**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Special Court under the POCSO Act, Purulia. The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8037 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**