

CRM No.8429 of 2021

Via video conference

09.03.22

(S.R.)

Sl.132

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Tehatta** Police Station Case No.480 of 2021 dated 20/09/2021 under Sections 376/511/509 of the Indian Penal Code and Section 8 of the POCSO Act arising out of POCSO Case No.23 of 2021;

And

In re: Subir Das

... petitioner.

Mr. Arindam Jana

Mr. Asraf Mondal

Mr. Sumanta Das

... for the petitioner.

Mr. Abhra Mukherjee

Mr. Arup Sarkar

...for the State.

Mr. Jana, learned advocate appearing for the petitioner submits that on the date of the alleged incident the petitioner was about 18 years old and the victim was about 17 years old. There was a consensual relationship between them and they also married in a temple in the month of September 2021. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 232 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code and other documents in the case diary. Answering our query, he submits that medical examination was refused by the victim.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that there was a consensual relationship

between the petitioner and the victim. Considering the nature of accusations, the period of detention suffered by the petitioner and the possible extent of his complicity in the alleged offence, we are of the opinion that his further detention is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, the petitioner 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 local, to the satisfaction of the Learned Judge, Special Court (POCSO), Tehatta, Nadia with a further condition that the petitioner shall attend the Learned Trial Court on all the dates, as specified for hearing.

It is further directed that the petitioner 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.8429 of 2021 is, accordingly, 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.)