

07.02. 2022

Court No.32

rpan / **19**

C.R.M. 8731 of 2021

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

And

In Re.: **Atanu Das**

- Petitioner

Mr. Mrityunjoy Chatterjee

... for the Petitioner.

Mr. Sudip Kumar

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case No.275 of 2021 dated 20.08.2021 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 read with Sections 363/365/34 of the Indian Penal Code, 1860.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl. The allegations levelled against him are absolutely unfounded. He has already suffered long incarceration for a period of 166 days and there is also no possibility towards early conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Kumar, learned advocate appears on behalf of the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, including the statement of the victim

girl, as recorded under Sections 161 and 164 of the Code as well as the medical report

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

Prima facie, there are inconsistencies between the statements of the victim girl as recorded under Sections 161 and 164 of the Code. Considering the manner in which the offence has taken place, nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner, who has already suffered incarceration for a period of 166 days, is not necessary, more so when, upon completion of investigation, charge sheet has been submitted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Atanu Das** 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 Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, Ranaghat, Nadia with a further condition that he shall not enter the jurisdiction of Ranaghat Police Station, save and except for attending the Trial Court on the dates specified for hearing until further orders and he shall also intimate the address where he would be residing to the Officer-in-Charge of Ranaghat Police Station.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 8731 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.)