

20.09.2022

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Allowed

C.R.M. (DB) No. 3167 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathpur Women Police Station Case No. 02 of 2022 dated 24.01.2022 under Sections 354(C)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Prasenjit Tudu petitioner

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

.....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

....for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 169 days. It is also submitted he has been falsely implicated in the instant case. He prays for bail.

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

We have considered the materials on record including the statement of the victim girl. Statement of the victim girl discloses that there were physical relationship between herself and the petitioner on several occasions. She had complained to her father who shifted her to a different place. However, no complaint was lodged to the police against the petitioner. Subsequently incident occurred on 24.11.2021 but F.I.R. was

registered after two months. It is contended objectionable pictures of the victim girl were taken and she was blackmailed. No evidence supporting such allegation is placed on record.

Defence plea with regard to continuing amorous relationship between two young persons requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined in granting 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, Raghunathpur, Purulia, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter into the jurisdiction of Raghunathpur Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)