

13.10.2022
cm/rkb
ct 28
sl no. 50

C.R.M. (DB) 3580 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S. Case No. 115 of 2022 dated 16.04.2022 Sections 448/328 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

Allowed

In Re : Samrat Paramanik.

..... petitioner

Mr. Dattatreya Dutta
Mr. Dibakar Sardar

..... for the petitioner

Mr. Bidyut Roy
Ms. Purnima Ghosh

..... for the State

Petitioner is in custody for 165 days. It is submitted that there was an amorous relationship between the parties.

Learned lawyer for the State opposes the prayer for bail. He submits that petitioner had cohabited with the minor victim as well as her sister.

We have considered the materials on record including the statement of the minor girl. She states there was a love affair between the parties. No statement of the elder sister of the minor has been recorded under Section 164 Cr. P.C.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner 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, under POCSO Act, Nadia on condition that

the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM(DB) No. 3580 of 2022 is disposed of.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)