

**18.10.2022**

Sl. 103  
Court No.29  
Suvayan/  
Sourav  
(Allowed)

**C.R.M. (DB) 3650 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Frezarganj Coastal** P.S. Case No. **81** of **2022** dated **21/07/2022** under Sections **363/365** of the Indian Penal Code, subsequently charge-sheet has been submitted under Sections **363/365/376** of the Indian Penal Code and Section **04(2)** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Krishnendu Barui**

....petitioner

Mr. Gautam Banerjee  
Mr. Sandip Kumar Mondal  
Mr. Sumit Routh

...for the petitioner.

Mr. Rudradipta Nandy  
Ms. Sonali Das

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 87 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that there was a pre-existing love affair between the petitioner and the victim.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He submits that the charges were framed and that November 1, 2022 is the date fixed for the recording of the evidence of the prosecution.

The victim was 16 years of age at the time of the incident. The victim in her statement recorded under Section 164 of the Criminal Procedure Code stated that she was in love with the petitioner. She went away with the petitioner voluntarily.

In view of the statement of the victim recorded under Section

164 of the Criminal Procedure Code and in view of the period of detention of the petitioner and the fact that the police filed charge-sheet, we grant bail to the petitioner.

Accordingly, the petitioner 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 Additional District and Sessions Judge, 1st Court, Special Court (POCSO), Kakdip, South 24 Parganas subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the prayer for bail of the petitioner is allowed.

**CRM (DB) 3650 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Ajay Kumar Gupta, J.)**