

18.10.2022

Vacation Bench
SL No.126
S.B/s.biswas
(Allowed)

C.R.M. (DB) 3684 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Khargram** P.S. Case No. **196 of 2022** dated **14.05.2022** under Sections **363/365/120B** of the Indian Penal Code with added Section **6** of the POCSO Act.

And

In the matter of: **Milon Sk @ Milon Seikh**

....Petitioner

Mr. Kallol Kr. Basu,
Mr. Rajesh Naskar,
Md. Jannat Ul Firdous

...for the Petitioner

Mr. Joydip Roy
Ms. Manasi Roy

...for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the police complaint is the result of love relationship turning sour. He submits that the petitioner is in custody for 34 days. Police filed charge-sheet, therefore further detention of the petitioner is not required.

Learned advocate for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

The victim was about 16 years of age at the time of incident. In the statement recorded under Section 164 of the Code of Criminal Procedure, she claims that she was taken to four different cities by the petitioner. Apparently the victim did

not raise any hue and cry at that point of time even though she came into contact with the public.

Considering the period of detention of the petitioner and the fact that police filed charge-sheet and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Kandi, Murshidabad subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he 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.

The application for bail being C.R.M. (DB) 3684 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)