

06.12.2022
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 4291 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2022 in connection with Narendrapur Police Station Case No. 586 dated 01.06.2022 under Sections 363/366/376(2)(n)/376(3) of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act and Section 6 of the POCSO Act.

And

In Re: **Suman Dhali**

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Debangan Bhattacharjee
Mr. Aranya Basu

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 188 days. It is further submitted victim had left her parental home out of her volition.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Statement of the victim is exonerative in nature. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Suman Dhali**, 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 the POCSO Act-cum-Additional District & Sessions Judge, Baruipur, South 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further

orders 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)