

01.02.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 317 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2023 in connection with Baduria Police Station Case No.761 of 2022 dated 07.11.2022 under Sections 363/365/376(2)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act. (G.R. Case No.4871 of 2022)

And

In Re: **Toton Das**

... .. Petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted there was an amorous relationship between the parties. A social marriage was organised. Subsequently, petitioner has been falsely implicated. Investigation is complete.

Parents of the victim are present in court and are represented through the learned Additional Public Prosecutor.

Learned Additional Public Prosecutor produces the case diary. He submits victim was a minor. She was induced into marriage. Subsequently, she was assaulted and driven out.

We have considered the materials on record. Statement of the victim shows there was an amorous relationship between two young persons. They started living together. A social marriage was also solemnized. Parents of the minor did not support the marriage. Thereafter, petitioner misbehaved with the victim. Investigation is complete. In this backdrop, we are of the opinion though further

detention of the accused/petitioner is not necessary, his movement requires to be restricted in order to instil confidence in the minds of the victim and her family members.

Therefore, the accused/petitioner, namely **Toton Das**, 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, Basirhat, North 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Barasat Police Station 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 automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)