

31.01.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 352 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.01.2023 in connection with Taherpur Police Station Case No.472 of 2022 dated 10.10.2022 under Section 376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Ramen Ghosh @ Saikat***

... .. Petitioner

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Mr. Shiladitya Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 112 days. It is further submitted there was a love affair between the parties. Parents of the victim opposed the marriage and has falsely implicated the petitioner. There is delay in lodging FIR.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim. Whether the victim was a willing party and the delay in filing the case was engineered due to opposition of the parents to the relationship between the parties requires to be assessed during trial. Bearing in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Ramen Ghosh @ Saikat***, 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,

Ranaghat, Nadia 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.)