

28.02.2023

67

Ct. No. 29

**CHC**

Allowed

**C.R.M.(DB) 601 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Goghat** Police Station Case No.21 of 2022 dated 21.01.2022 under Sections 363/365 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code and under Section 6(1) of POCSO Act and Section 9 of the Prevention of Child Marriage Act.

And

In the matter of: Asish Rana

..... petitioner

Mr. Amitabha Karmakar,  
Mr. Ziaul Hoque,  
Mr. Arup Kumar Bhowmick  
....for the petitioner

Mrs. Zareen N. Khan,  
Mr. Arup Sarkar  
....for the State

Despite service none appears for the victim.

Affidavit-of-service filed in Court be taken on record.

Report of the police showing service on the victim be taken on record.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claimed that she went voluntarily with the petitioner and that she married the petitioner.

Considering such statement recorded by the victim and considering the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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 Judge, Special Court under POCSO Act, Arambagh, Hooghly, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

