

24.03.2023.
24.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 944 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jibantala P. S. Case No.308 of 2022 dated 12.08.2022 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 376Ab/376(2)(n)(f)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Rohit Laskar @ Vutta.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...for the State.

Mr. Babaswan Bhattacharya.

...for the Victim

Inadvertent typographical error had crept into the order dated 23.03.2023.

In the order dated 23.03.2023, the cause title of the order be read as 'C.R.M.(DB) 944 of 2023' in place and stead of 'C.R.A.(DB) 944 of 2023'.

Other portions of the order shall remain the same.

Department is directed to incorporate necessary correction in the order.

Petitioner is in custody for 223 days. It is submitted there was a matrimonial dispute between petitioner and his wife. Divorce proceedings were instituted. After decree of divorce being passed, present case has been falsely foisted alleging that he had forcible sexual intercourse with his sister-in-law.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant submits petitioner had taken advantage of the minor child and violated her.

We have considered the materials on record. Admittedly, there was a matrimonial dispute between petitioner and his wife. Minor victim i.e. his sister-in-law did not come out with the incident promptly. After divorce decree was passed, criminal case has been lodged. Impact of delay on the credibility of allegations require to be assessed during trial.

Under such circumstances and in view of period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary but his movement is restricted in order to instil confidence in the mind of the minor victim.

Accordingly, the petitioner Rohit Laskar @ Vutta 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 the POCSO Act, Alipore, South 24-Paraganas subject to condition that he 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 Jibantala Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-

charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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 his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)