

12.04.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 1224 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Santipur Police Station Case No.85 of 2023 dated 31.01.2023 under Sections 447/376/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Rounak Das @ Rana***

... .. Petitioner

Ms. Mallika Manna

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 64 days. It is further submitted there is delay in lodging FIR. It is also submitted there was free mixing between parties. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Report is placed on record.

Nobody appears for the minor victim.

We have considered the materials on record. Though the victim is a minor, allegation of rape requires to be assessed in the light of the submission regarding delay in lodging FIR and free mixing between parties. Keeping in mind the aforesaid fact and 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 ***Rounak Das @ Rana***, 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, 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.)