

12.06.2023

Sl. 14

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 1817 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Beldanga** Police Station Case No. **129** of **2023** dated **23.02.2023** under Section **376** of the Indian Penal Code, 1860 and under Section **4** of the Protection of Children from Sexual Offences Act, corresponding to Case No. C. Spl. **21** of **2023**.

And

In the matter of: **Roki Sk @ Roky Sk**

....petitioner.

Mr. Arnab Chatterjee

Ms. Poulami Bose

...for the petitioner.

Mr. S. S. Imam

Mr. R. Jana

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner who is stated to be 18 years old is alleged to have violated a girl aged about 14 years old. Both of them met first when the girl had gone to the village to her maternal uncle. Three months after, the petitioner is stated to have come to the locality where the victim girl lives and he is alleged to have violated her in her own room situated in the first floor of the house.
3. Considered the materials placed by learned Counsel for the parties including the statement of the victim recorded under Sections 161/164 Cr.P.C.
4. We find a *prima facie* case under the aforesaid Sections against the petitioner but regard being had to such facts and submissions, factum of permanent residence of the petitioner, the tender age of the petitioner, completion of investigation in the meantime and incarceration of the petitioner for more

than a period of 110 days in such tender age, it is directed that the petitioner shall be released on bail by the learned Judge, Special Court (POCSO Act) at Berhampore, Murshidabad, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Case No. C. Spl. 21 of 2023 arising out of Beldanga Police Station Case No. 129 of 2023 dated 23.02.2023 including the condition that i) the petitioner shall appear before the Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) the petitioner shall not leave the jurisdiction of the Court without leave of the learned Trial Judge.

5. Accordingly, the prayer for bail is allowed.

6. The application being **CRM (DB) 1817 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

