

13.06.2023

Sl. 37

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2225 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Islampur** Police Station Case No. **57** of **2023** dated **17.02.2023** under Section **363/365/34** of IPC adding Section **376** of the IPC and Section **4** of the POCSO Act.

And

In the matter of: **Arjen Ali @ Felu**

....petitioner.

Mr. J. Hossain
Ms. C. Debnath
Mr. K. Mondal

...for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

1. Heard learned Counsel for the parties.
2. The present petitioner happens to be the maternal uncle of the principal accused who is alleged to have ravished the victim. The victim in her statement recorded under Section 164 Cr.P.C. has stated that the present petitioner kidnapped her and took her to the principal accused. On the other hand in the complaint petition filed by the mother of the victim, it is stated that the victim had love affairs with the principal accused and she came with her own volition to her house and they started residing together in the house of the principal accused from where the victim was not willing to comeback.
3. Be that as it may, the question of discrepancy, if any, in the evidence of the victim and her mother and any other witnesses to be recorded by the trial Court is to be appreciated by the trial Court to come to a finding. But taking into consideration, the material as it stands, we are inclined

to grant bail to the present petitioner.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the learned Judge, Special Court under POCSO Act, Lalbagh, Murshidabad, in Connection with POCSO Case No. 12 of 2023 arising out of Islampur Police Station Case No. 57 of 2023 dated 17.02.2023 on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for bail is allowed.
6. The application being **CRM (DB) 2225 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

