

18.10.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 3346 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Barasat Police Station Case No.160 of 2023 dated 04.03.2023 under Sections 363/365/376 of the Indian Penal Code and Section 6 of the POCSO Act read with Section 10 of the Child Marriage Prohibition Act.

And

In Re: **Rajat Das**

... .. Petitioner

Mr. Kalyan Kumar Bhattacharjee
Mr. Shyamal Majumder
Ms. Sahina Khatun

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 146 days. It is further submitted there was free mixing between himself and the victim girl. Her deposition has already been recorded. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. In spite of notice, nobody appears for the minor victim.
4. We have considered the materials on record including the deposition of the victim. Though she is a minor, her deposition shows she had left with the petitioner out of love and they had married. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Rajat Das**, 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, Barasat, North 24-Parganas 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)