

29.09.2023.
44.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3777 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathpur Women P.S. Case No.09 of 2023 dated 05.07.2023 under Section 04 of the POCSO Act and charge sheet submitted under Section 04 of the POCSO Act.

In the matter of : **Kalicharan Bauri.**

.... Petitioner.

Mr. Tanmoy Chowdhury,
Ms. R. Ghosh.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

1. Petitioner submits there was a love affair between the parties. Allegation of forcible rape is out and out false.
2. Learned Advocate for the State opposes the bail prayer. He contends victim is a minor.
3. Inspite of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. He contends victim was kidnapped and forcibly raped. But the statement further discloses after the rape they went together to the house of the petitioner. Credibility of the allegation of forcible rape requires to be assessed in the light of such peculiar circumstance during trial. Possibility of intimate relationship between two young persons cannot be ruled out.
5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Kalicharan Bauri** 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-cum- Additional Sessions Judge, Raghunathpur, Purulia 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)