

18.10.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 3887 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with Beliaghata Police Station Case No.108 of 2023 dated 17.06.2023 under Section 4 of the POCSO Act.

And

In Re: ***Dabloo Kumar Ray @ Dabloo Kumar Roy***

... .. Petitioner

Mr. Sabyasachi Banerjee
Mr. Anirban Guha Thakurta
Ms. Koel Mukherjee
Mr. Anurag Sardar
Mr. Mahfuz Murshed
Mr. Sayan Mukherjee

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that there was a romantic relationship between the parties. Victim has admitted this in her evidence. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits though there was a romantic relationship, petitioner had raped the victim against her will.
3. In spite of notice, nobody appears for the minor victim.
4. We have considered the materials on record. Victim has already been examined. In her deposition she admits there was a love affair between the parties. But she contends that she had not agreed to the sexual intercourse. It is also relevant to note that the victim is a minor.
5. Under such circumstances and as the victim has already been examined, we are of the opinion further detention of the

accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

6. Therefore, the accused/petitioner, namely ***Dabloo Kumar Ray @ Dabloo Kumar Roy***, 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-cum-Additional District & Sessions Judge, 1st Court, Sealdah, South 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Beliaghata Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.
7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)